

By Senator Cantor:

Q. Do the players buy the buttons? A. Yes; buttons and some checks.

By Mr. Moss:

Q. There is money passed, is there; where do you put the money while you are playing? A. Put the money on the table.

Q. On the table? A. On the table.

Q. And then a little further over is the buttons? A. Yes, sir.

Q. On the square, which is divided into four corners, one, two, three, four? A. Yes, sir; one, two, three and four.

Q. And the man that is fortunate takes all the money that is on the table? A. Yes, sir.

Chairman Lexow.—How is the man fortunate?

Q. How does the man —

Chairman Lexow.—(Interposing.) If you know it, Mr. Moss, just put to him the leading question.

Mr. Moss.—I have always found it a great mystery, and I think we will let him tell it in his own way.

Mr. Ransom.—Mr. Moss has evidently been studying the game.

By Senator Cantor:

Q. How does a player know that he wins? A. You put the money on the one, if you want; you put a dollar, and if you win you win \$2; you put a dollar on and you get \$2.

By Chairman Lexow:

Q. How do you win? A. Just make a square thing on the table, one, two, three and four, and the buttons here, is covered, and you guess what number comes out — the people do who are agoing to play.

Q. There is a number on the button? A. Not number; I will tell you afterward; the buttons, here they are, covered; the people all play, one, two, three and four; when they are all ready to play, they lay the money on the table; now, you take the cover off, and get the stick to get the buttons out, four pieces, and the other four pieces; take that button out, four by four; when they are all out they see what they got left; if you get left one button, one wins.

Q. They take four buttons at a time from the pile of buttons? A. Yes, sir.



By Senator Saxton:

Q. And if there is one button left after the four are taken, No. 1 wins? A. Yes, sir; and if No. 2 left, No. 2 wins; three left, No. 3 wins; four left, No. 4 wins; that is the game.

By Mr. Moss:

Q. You said that on the 8th of April, I think it was, you had some trouble? A. The 15th of April; Sunday.

Q. Were you playing fan tan on that day? A. I play fan tan first I rush down to Mott street; I went to 18 Mott street to play.

Q. Is that Tom Lee's room? A. Tom Lee's room on the other side of the room, and in the rear room; there were three games in 18 Mott street.

Q. You say there were three games running in 18 Mott street on that day? A. Three games on the second floor on that day.

Q. Did you get into those games? A. I get in one game there.

Q. You played one game? A. I played one game.

Q. And did you hear any noise in the other rooms? A. Yes, sir.

Q. What noise did you hear? A. I see all the plays.

Q. Did you recognize the noise as the noise of the game; how did you know it was a game? A. (Not answered.)

By Chairman Lexow:

Q. Could you hear them play in the other rooms? A. Yes; I heard the people talk what number was out.

By Mr. Moss:

Q. You heard the numbers mentioned? A. Yes, sir.

Q. And you were in one room and played yourself? A. Yes, sir.

Q. Then what did you do next? A. After I played there about half an hour I went to No. 14 Mott street, two doors away, and then I went up to 14 on the third floor on the front; I played there with a lot of company; about half-past 3 to half-past 3; I played there 15 or 20 minutes; that is so; and I heard the man on the stand on the stair, the watchman say something happens — police-a-man coming up.

Q. The watchman on the outside called? A. The watchman called police-a-man; and they locked the door, and then all the gambling men all got scared; the police-a-man come up soon and burst the door in.

Q. Who was that policeman? A. O'Rourke; he burst the door in; he chucked the thing and grabbed some money and



hit somebody; I wasn't afraid of him; I lost some money on the table; I wanted to get it back.

Q. Some of your money? A. Yes, sir; some of my money on the table; somebody snatched; O'Rourke snatched; it was my money; I had a talk with O'Rourke; I said, "Here, you come here and arrest this game; why don't you arrest the other game; why don't you arrest the other game?" he says, "What game?" "Don't you know?" "I don't;" "You do know;" "How do I know?" "You must know; so many games around Chinatown;" "How many games around Chinatown; do you know?" "I say over 50 games outside of the lottery;" he says nothing..

Q. Outside of the lottery you say? A. Chinese lottery; he says nothing; "You people get out; get the hell out of here; get the hell out of here;" just that way; I say, "You do not believe other games here; you only come break this one up; I show you another one next door;" "Come on, show me;" I show him; I took him downstairs, and I took him up to 18 Mott street where Tom Lee is.

Q. That is the place where you played the day before? A. The same day; not day before.

Q. That is Tom Lee's house? A. Tom Lee's office; I say, "Jump up, run as fast as you can; I go ahead;" he come up; I say, "Come on, fast as you can;" the watchman, he holler out, "Wong Get, bring a-a-police-a-man here; lock the door."

Q. Somebody commenced to cry out and said that Wong Get was bringing a policeman? A. Yes, sir; O'Rourke come; we could get in the room before they shut the door, but he wouldn't run fast.

Q. What did he say? A. I said, "Door all locked;" he said, "What do you bring me up here for; for nothing?" I said, "There is a game; did you see the man shut the door as quick as he could; why don't you jump as fast as I jumped, to get in that room?"

Q. How far behind you was O'Rourke when you went upstairs? A. How far behind me was O'Rourke?

Q. Yes. A. About just the same as me from you.

Q. And you were that distance all the way upstairs? A. All the way upstairs; only get in the room.

Q. Could you have gotten in the room? A. I can not get in the room.

Q. Could you? A. If I wanted to jump in I could jump in, but I don't want to jump in without a policeman.

Q. When the doors were shut, what did O'Rourke do? A. When the door shut, I said, "Bust the door in, just the same as



you bust in No. 14;" he said, "No, no; I got no authority;" I said, "Why, you got authority to do it in 14, why don't you do it here;" he kept rapping and rapping on the door; lot of noise inside, putting 'them things away, I suppose; and then I stand there and asked him to bust the door; he won't; he said they would open; he kept rapping and rapping.

Q. How long did he stand there rapping at the door? A. Two or three minutes.

Q. And he didn't burst it in? A. He didn't burst it in.

Q. Proceed? A. He was standing this side, just this way (indicating) about three feet five away, and he kept rapping at this door of this Tom Lee's office and the room you know; the people opened the door, Lee Toy.

Q. Lee Toy ran out of one of the rooms, with a lot of other Chinamen; was that one of the games? A. Yes, sir; he come out; he grabbed me.

Q. He saw you standing there with O'Rourke? A. Yes, sir; he saw me standing there with O'Rourke, just as I was standing alongside of O'Rourke—not over two feet; he ran; he had a black-jack strap.

Q. What did he have? A. Black-jack strap.

Mr. Moss.—Does the committee desire to know what a black-jack strap is?

The Witness.—The black-jack is made of iron. They cut the leather; it is tied up. The iron is concealed inside; it is about that long (indicating); little ball in the end of it.

By Chairman Lexow:

Q. To hit with? A. To hit; he rushed out of the room; he grabbed my clothes, took the black-jack, and strike me right here (illustrating the left-hand side of the neck); suppose I don't move my head like that (indicating), I be killed; I just move my head, and a whole lot rushed out after Lee Toy, after him, and all get hold of me and kick me down, knock me down on the floor.

By Mr. Moss:

Q. What was O'Rourke doing? A. O'Rourke stood there; he don't stop them; he don't arrest them; I do not know what the matter is.

Q. Did you call—did you cry out? A. I cry out "Murder" for help.

Q. How long was this going on? A. Till that hit me?

Q. Yes, all this fight? A. All this fight—jump on me—I think there must be two or three minutes; I most dead, and I



get so much hurt, and on the floor they all jump on me and say, "Kick him;" and they hit me all over my body; at that time I get a cut here, and get a cut here, three places, and a cut here (indicating the neck); afterward two men, my friends, come and stop the fight; if not I be killed sure; I see the two men when I took O'Rourke up to 18 Mott street; and they do not know what is the matter, and they follow me up, and ask what the matter is; "Wong Get, what the matter;" they follow me up to 18; he stands there watching, and I rapping on the door with the detective, and he saw them all jump on me, and he was afraid they would kill me, and he stopped them and put them away, and let me go downstairs.

Q. You mean another Chinaman interfered and protected you and saved you from being murdered while Officer O'Rourke stood by and didn't interfere at all? A. O'Rourke stood there: yes, sir.

Q. Did Officer O'Rourke say anything to you at all? A. First, when I took him up to 18 he say something; after they all hit me and jump on to me, he never say a word.

Q. Not a word? A. Not a word.

Q. Didn't he say anything to the other Chinamen that were hurting you? A. I don't hear him saying any word, when I got hit.

Q. How did you get up out of that melee? A. Two men saved me and put them away and stopped the fight and took me out; I could hardly get up; I jumped downstairs, best I could; I wanted to save my life; I went downstairs; I holler murder for help, police; I ran best I could; I ran to about a block, corner of Pell and Mott; one policeman come the other side of the street and stopped me there. and when I walked downstairs Lee Toy chased me up.

Q. Lee Toy was still after you? A. Yes, sir.

Q. Where was O'Rourke? A. I do not see O'Rourke.

Q. When you get on the street Lee Toy followed you? A. Yes, sir; Lee Toy and a lot of others.

Q. And you couldn't see O'Rourke at all? A. No, sir.

Q. And about a block outside you ran into a policeman who was outside of the matter? A. Yes, sir.

Q. What did that policeman do? A. I ran about a block away, and that policeman stopped me; he saw Lee Toy chase me; he asked, "What is the matter?" I said, "A fight; he insulted me;" I looked for O'Rourke then; I hardly could talk at that time; I get hurt; and then the policeman take me and Lee Toy to the station-house.



Q. Now, you made a complaint to the police sergeant about Lee Toy? A. Yes; the sergeant see me cut here all over; see I get hurt all over; he asked me how I get hurt; I make a complaint.

Q. Was Lee Toy held? A. Lee Toy came into the station-house; after two hours he was out.

Q. He was out? A. Yes, sir.

Q. You appeared with Lee Toy in the police court next morning? A. No; not the next morning; and then after that my friends see I get hurt and take me home to 18 Doyers street, and got me to lay down, to get rest; I cry, so much hurt, "My body all over hurts; painful;" my friend asked me what I am going to do; best way to get a Chinese doctor or an American doctor; I say, "Best way go to American doctor;" my friend asked me could I walk; I said, "No; I ain't able to walk;" the two friends say it is Sunday, pretty hard to get a doctor; come over to the house and put the medicine on you; "You go down to Oliver street, and see the doctor, 'tain't much further from here; we take you down;" the two friends carried me down to Oliver street, No. 31, to see the doctor.

Q. How did you get into the court with Lee Toy? A. (Continuing.) And then they put medicines on me, and brought me home and covered me up in a bed; until three days I won't go to the court, but I hear my friends say the case was adjourned to Thursday; "To-morrow you will be well enough to go down to court;" but Thursday morning or afternoon, I forget which — Thursday morning I go down to the court; I get better that time; little better.

Q. That was still in April, wasn't it? A. Still April, go down to the court to the case for examination, a little while; his attorney adjourned the case to next Monday afternoon at 2 p. m.

Q. His attorney was Edmund Price, wasn't he? A. His attorney, Eddy Price.

Q. And that case was adjourned until the Monday following at 2 p. m.? A. Yes, sir.

Q. Who was the judge that adjourned it? A. At the Tombs; the Judge — big, fat, stout man; I think Martin.

Q. Ryan, wasn't it? A. Ryan or Martin; I do not know.

Q. As matter of fact, it was Ryan? A. That Thursday the first —

Mr. Moss.— I simply state that because I know it.

By Chairman Lexow:

Q. What police court was it?

Mr. Moss.— It was in the Tombs.



By Mr. Moss:

Q. Who was your attorney? A. My attorney, George W. Glaze.

Q. And now you are positive that the case was adjourned until Monday at 2 o'clock? A. Two o'clock.

Q. And then, on that following Monday, at 2 o'clock, did you and your attorney, and your witnesses go to court to prosecute Lee Toy? A. Yes, sir; to that Monday afternoon, half-past 1; I bring all of my witnesses and a lawyer, and go down to the Tombs and get there as near 2 o'clock —

Q. And was there some newspaper reporter there at the same time, at 2 o'clock? A. Lot of them; I can recognize one over there (indicating).

Q. What happened at 2 o'clock on Monday? A. That Monday afternoon at 2 o'clock, we sat there to wait until he come.

Q. Until Lee Toy came? A. Till Lee Toy came; till quarter past 2; we don't see one come; our attorney go ask the clerk how the case is; why don't his people come; the clerk say, "Why, this morning released Lee Toy."

Q. That morning they released Lee Toy? A. This morning at 10 o'clock they released Lee Toy, discharged.

Q. Did the clerk state the reason why? A. The clerk said, "Why don't you people come this morning at 10 a. m."

Q. Did you see the papers with the judge's indorsement upon them, that the case was marked for Monday at 10 o'clock; did you see that there that day? A. What day.

Q. Monday? A. Monday; the clerk show out the papers.

Q. He showed you the paper? A. Show me and Mr. Glaze.

Q. It had Judge Ryan's indorsement on the paper, adjourning the case to Monday at 10 o'clock, instead of 2 as you testified was the real adjournment? A. Yes, sir.

Mr. Moss.—I am simply summing up what he told me.

Mr. Ransom.—That is the reason I object. Judge Ryan is brought in here by intimation.

Mr. Moss.—I am prepared to back that up, by my own personal knowledge.

Mr. Ransom.—It ought to be backed up without intimating.

Mr. Moss.—This witness has testified.

Chairman Lexow.—Ask him what he knows.

Senator Saxton.—I understand the witness was present on the Thursday.

Mr. Moss.—Certainly.

Senator Saxton.—And he says the case was then adjourned to Monday at 2 o'clock.



By Senator Saxton:

Q. Were you present on the Thursday when the case was adjourned? A. Yes, sir.

Q. You were there in court? A. Yes, sir.

Q. Did you hear the announcement—hear it said when the case was adjourned to? A. Yes, sir; I heard it.

Q. And who said it? A. The judge said so.

Q. And what did he say? A. He said, case adjourned next Monday afternoon, 2 p. m.

Q. Do you know what judge it was? A. I think it was Judge Martin, a big, stout man.

Mr. Ransom.—I have no objection to that, but you do not remember. The witness was being asked to testify that he saw indorsed upon the papers by Judge Ryan, "Adjourned until 2 o'clock." Manifestly, he couldn't tell that.

Q. On the day when you got there, you waited until 2 o'clock, I understand? A. Yes, sir.

Q. And then it was said that this man had been discharged in the morning? A. Yes, sir.

Q. Did you see the papers at that time? A. At that time the clerk showed the papers.

Q. Could you read them? A. I read them; see them.

Q. What did it say on the papers? A. I only could see "10 a. m."

Q. And as you understand it, that was the minute that was made—the writing that was made, that the case was adjourned to 10 a. m.; do you understand that that was the writing on the paper that the case was adjourned to 10 a. m.? A. Yes.

Q. It was written on the paper that it was adjourned to 10 a. m.? A. Yes, sir.

Q. You saw that yourself? A. I saw that myself.

By Chairman Lexow:

Q. Did you see what was written on it Thursday; did you see when the paper was made out Thursday; what was written on it? (Not answered.)

By Senator Saxton:

Q. Who was the judge that was there Monday morning or Monday afternoon? A. Monday morning, Ryan; afternoon, Martin, I think.

Mr. Moss.—I think I can state that. He should not be connected with that matter. I know it was not Judge Martin that made that adjournment. I know it was Judge Ryan because



I have some knowledge of the matter. Judge Martin came into the case later by suppression or change of the justices.

By Mr. Moss:

Q. Did you hear your attorney, Mr. Glaze, on Thursday state to Judge Ryan or the judge that was there, any particular reason for adjourning it until the afternoon? A. He talked to the judge, and he said this case adjourned to Monday afternoon, 2 p. m.

Q. Did you hear Mr. Glaze state a reason why he wanted it adjourned until 2 o'clock, instead of any other time? A. Not our attorney adjourned the case; his attorney adjourned the case.

Mr. Moss.—He probably did not hear that. I wanted to prove a special conversation. He was probably sitting in the back of the room and could not hear it.

Q. Can you tell what was done then when it was discovered that Lee Toy had been discharged? A. At that time we asked him about the case; we are all up here, and they adjourned this case to this afternoon at 2 p. m., from last Thursday; why, then, the reason you release him this morning at 10 a. m.?

Mr. Moss.—I will get that a little shorter.

Q. Do you remember that Judge Martin was present on that Monday; you are clear that that was Judge Martin? A. Yes, sir.

Q. And do you remember whether Judge Martin heard some remarks made to him by Mr. Glaze and other people about the case? A. Yes, sir.

Q. And do you remember whether Judge Martin issued a new warrant? A. Yes, sir.

Q. And do you remember whether any officer took that warrant out? A. I remember what officer, but I do not know what his name is; I recognize him.

Q. An officer did take the warrant? A. Yes, sir.

Senator Saxton.—Second warrant?

Mr. Moss.—Second warrant issued by Judge Martin.

Senator Saxton.—When he discovered this state of affairs?

Mr. Moss.—Yes. I made this statement to Judge Martin myself.

Q. What kind of men, if any, went with the officer to identify Lee Toy? A. I bring lot of friends with me, and detective.

Q. Listen to the question; did any Chinamen go with the officer to find Lee Toy? A. Go with the officer?

Q. Yes; to take Lee Toy; to show him Lee Toy? A. Yes, sir; me and Huey Gow.



Q Who else? A. Huey Gow and Dong Fong and Lee Hee, and Dung Fong, and Lung Hu; Lee Hee, I and Chu Mong; about seven men I took with me, hunting, hunting all over.

Q. Hunting for Lee Toy? A. Hunting for Lee Toy.

Q. Did you find him? A. No; kept hunting, hunting, until evening until half-past 11, laying for him; I hunting, hunting with all these friends.

Q. You and all your friends were hunting around Chinatown for Lee Toy? A. Yes, sir.

Q. What happened then? A. Until half-past 11 or quarter to 12 sometime; 11 o'clock, I say, "Never mind; we better go home; we can not get him;" the officer had gone back; "What use lay here for him; officer go back; better wait till next day; we get him; don't notify them, maybe he skip away;" I talk to friends and so they all go home to get something to eat and then I go home 11 o'clock that evening; I ask my wife is she hungry, want something to eat; I said, "I ain't got my supper yet;" she say, "What you been doing all day?" she said, "You go hungry;" I said, "I go to restaurant and eat;" she said, "Oh, too warm."

Q. Never mind what she said; you went to the restaurant to get something to eat? A. I went to the restaurant to get something to eat.

Q. And then you went home again? A. Then I went home again.

Q. Tell me what you saw; get to the point? A. I went home again that time; the theater all out, and must be quarter to 12 that time; I hear some low talking down in my yard.

Q. You heard some talking in the yard? A. A little low talking in the yard; my wife going down the stairs, got down to the yard, and she heard some low talking in the yard; she struck a match and she says, "Something happen;" she get so nervous or afraid; come upstairs all nervous; get scared and sit on the chair; I said, "What is the matter;" she said she saw something down in the yard; I said, "What is the matter; did you see anything; anybody hit you;" she said, "There was a man cutting himself down in the yard."

Q. Who was it? A. A lot of them—lot of them; I say, "How many;" I said, "Do you know anyone;" she said, "Some of your cousins;" "Who is my cousin down there; my cousin cutting himself;" "No, not your cousin; your cousin stood there looking;" "Then, what make you afraid?"

Q. Then, did you look out of the window? A. Yes, sir; I turned the light down and I peaked out of the window, and I hear the money—chucked some money, and then this man got



outside of the yard, hollering murder, and just then two or three or four or five policemen come.

Q. That was the crowd downstairs that your wife told you about; she says she saw somebody cutting himself, and then you heard the money thrown? A. I heard the money ching.

Q. And then they rushed out into the street, crying and hollering murder? A. Yes, sir.

Q. Did you look out of the front window? A. I don't have to look out of the front window; I look out of the side window and see all on the street; I look down the street and see all the people hollering murder—all people hollering murder together in Chinese way.

Q. Did you find out afterward who was the man that cut himself? A. Ching Hing Tong, laundryman.

Q. Did any police come on the scene when they cried murder? A. He just hollered, and one or two policemen come and asked the matter.

Q. Two or three policemen right on the spot; that is different from usual; they were right there? A. Right there.

Q. What was the next step in that tragedy? A. I kept watching the window yet; I see all the people got up to some deal the other side of the house.

Q. Who was arrested that night? A. I see—

Q. (Interposing.) Who was arrested that night? A. Yung Tong, Huey Gow.

Q. The one you have mentioned as one of your friends? A. Yes; one of my men.

Q. Who else? A. Dong Fong.

Q. Another one that you have mentioned as one of your friends? A. Lung Huy and Lee Hee.

Q. You say that four men were arrested by the officers there? A. Five men altogether; Yung Tong, too.

Q. And four of those, if I understand your testimony, were the ones that were hunting for Lee Toy during the day? A. Yes, sir.

Q. Do you know where those men were arrested? A. One I see arrested was taken down from 17; I see Yung Tong; then I do not know what the matter was, for the arrest of him; then I go downstairs, and I go up to 17; see them people, and ask what is the matter, why arrest the man; they were all talking and saying, "Did you see anyone of them Hip Sing Tong."

Q. Who says "Did you see Hip Sing Tong"? A. The Chinamen.

Q. Which Chinamen, the Chinamen that were with the police? A. Yes, sir; the Chinamen that were with the police.



Q. You say that the Chinamen who were with the police were asking if they saw any Hip Sing Tong men? A. Yes, sir.

Q. What is Hip Sing Tong? A. That is what they call the workingman's society.

Q. Is that Tom Lee's society? A. No, sir; Tom Lee the other society.

Q. Are the two societies friendly? A. No; no.

Q. They are unfriendly? A. Not friendly.

Q. And you say that the Chinamen that were with the policemen were talking about arresting Hip Sing Tong men? A. Yes, sir; talking about Hip Sing Tong men.

Q. Do these four or five men that were arrested belong to the Hip Sing Tong men, do you know? A. Dong Fong is a Hip Sing Tong; Huey Gow is a Hip Sing Tong; Lee Hee is a Hip Sing Tong; Lung Hu is a Hip Sing Tong; all of them; all of them belong to the Hip Sing Tong men.

Q. Were those five men all arrested in one bunch, or were they arrested at different places? A. Different places.

Q. And did that hearing come up before Judge Martin; who made the charge against them? A. Who make a charge against those five men?

Q. Yes? A. Ching Hing Tong make a charge.

Q. Is that the man that cut himself? A. That is the man that cut himself.

Q. What charge did he make against them? A. First he lock them five men up, and then after a while some of his friends took Ching Hing Tong, and go to the station-house and make a charge of robbing him and killing him.

By Chairman Lexow:

Q. Trying to kill him? A. Yes, sir; and he carved himself.

By Mr. Moss:

Q. You mean to say that this complainant charged that your four friends had committed this assault, whereas you say the man was cutting himself? A. Yes.

Q. Now, did you have a hearing upon that charge of highway robbery, did your friends appear in court? A. He appear in court.

Q. Before Judge Martin? A. Yes, sir.

Q. What was the result of that hearing, do you know? A. Next morning —

Q. Yes; just tell us how it ended; never mind about the details; how did it end?



Senator Bradley.— What did the judge do with them?

The Witness.— Judge put a bond on each one of them.

Q. Held them all for trial? A. Held them all for trial.

Q. And have they been indicted, do you know, by the grand jury? A. Yes; heard about it.

Q. And are now waiting for trial? A. Waiting for trial.

Q. Do you know whether the case was called up recently?

A. The case called up?

Q. The case of these four men? A. These four men charged for highway robbery.

Chairman Lexow.— Was the case called up lately?

Senator Bradley.— In court.

The Witness.— Yes, sir. Yesterday morning at 11 o'clock.

Q. Let us run back to Lee Hee, or Lee Toy again; was Lee Toy caught? A. Lee Toy in the Tombs.

Q. When was he arrested? A. Lee Toy, since April 23d; that day got a new warrant out for him, hunting for him and couldn't get him; him running away; hunting all the time for him; he run away and come back lately, and last week a Monday I, with my friend, go down to the Tombs and ask the sergeant about a warrant.

Q. Never mind; when was he arrested; what day? A. Arrested Lee Toy on Tuesday morning.

Q. And all that time he has been at large, since April 23d? A. Yes, sir.

Q. Was an application made by Lee Toy's lawyer to adjourn the case? A. Yes; adjourn the case.

Q. And what did your lawyer say about it? A. My lawyer liked to try it right away.

Q. Your lawyer wanted to try it? A. Yes, sir.

Q. Did he give any reason why he wanted to have the hearing go on? A. Tuesday arrested him and adjourned the case.

Q. No, no; did Mr. Glaze state any reason why he wanted it to be disposed of quick? A. Glaze say he wanted to go to California.

Q. Glaze, your lawyer, was going to California and wanted the hearing right away? A. Yes, sir.

Q. And you say Mr. Price wanted an adjournment? A. Yes, sir.

Q. Did Judge Martin adjourn the case? A. Yes, sir; adjourned the case.

Q. Until what day? A. Until Monday; first adjourned until Thursday.

Q. Then on Monday he adjourned it again? A. Yes, sir.

Q. Until what day? A. Adjourned it again until afternoon.



Q. Is it adjourned until September? A. No; it has been adjourned three or four times.

Q. When is it coming up again next time? A. Next time?

Q. Yes. A. Adjourned until September 8th.

Q. And that was done yesterday, wasn't it? A. That was done yesterday afternoon.

Q. By Judge Martin? A. By Judge Martin.

Senator Saxton.— You asked to have that adjourned until September 8th?

Q. Who asked for the adjournment? A. Some young fellow from Eddy Price.

Q. Eddy Price's clerk? A. Yes, sir.

By Senator Saxton:

Q. Did your lawyer want to adjourn? A. No, sir.

Q. Was your lawyer there yesterday ready to try it? A. Yes, sir.

Q. And wanted to try it? A. Yes, sir.

Q. And Mr. Price asked for an adjournment, and the Judge adjourned it until September 8th? A. Yes, sir.

By Mr. Moss:

Q. And meantime the case against your friends for highway robbery was called up yesterday? A. Yes, sir; yesterday at 11 o'clock.

Q. While you were there yesterday, and before the Judge came in, did one of your Chinese friends attempt to speak to Mr. Glaze? A. Yes, sir.

Q. What happened to him? A. That man there (indicating) wanted to talk to my counsel, Mr. Glaze.

Q. This man (indicating)? A. Yes, sir.

Q. Huey Kin? A. Yes, sir.

Q. He stepped up and wanted to speak to Mr. Glaze? A. Stepped up, and wanted to speak to Mr. Glaze, and one of the officers pushed him—don't want him to talk; not say anything, only push him away back; he near fell down; Glaze said he wanted to talk to him; "This is my man; this is the interpreter."

Q. He says, "This is the interpreter," and he wanted to talk to him? A. He said, "You can't talk to him here;" lock me up.

Q. Who did he say he would lock up? A. The policeman?

Q. Who did the policeman say he would lock up? A. He says, "You don't go out I lock you up; don't talk here."

Q. Asked him to go out? A. Yes, sir.

Q. Did he threaten to arrest Mr. Glaze? A. Mr. Glaze says, "That is my man;" he says, "I lock you up, too."



Q. That was your lawyer? A. Yes, sir; Mr. Glaze's face turned all red.

Q. Last January did you pay Tom Lee any money? A. Last January, the 23d.

Senator Saxton.—I would like to know about this Lee Toy, whether he keeps the house or whether he is a relative of Tom Lee; I would like to know why it was that he was in the matter the way he was.

Q. Is Lee Toy related to Tom Lee, do you know? A. Lee Toy is a cousin to Tom Lee, and next to Tom Lee in the society; Tom Lee is the society president; he is next to Tom Lee.

Q. He is next to Tom Lee in the Tom Lee Society? A. That society the Un Lung Tong.

Q. Is Lee Toy a gambler, do you know; does he keep a gambling house? A. Yes; sure he keeps a house.

By Senator Cantor:

Q. What is the name of this society in English? A. They call it the Guarantee Surety Protection to Gambling Society.

Q. Guarantee Protecting Gambling Society? A. Yes, sir.

By Senator Saxton:

Q. Does this Lee Toy run the games in this house? A. Yes, sir.

Q. Tom Lee doesn't run them himself, but they are run by Lee Toy? A. Yes, sir.

By Chairman Lexow:

Q. Doesn't Tom Lee run any of the games? A. I do not see him at all run the games.

By Mr. Moss:

Q. Did you pay any money to Tom Lee in January? A. Yes; I paid money to Tom Lee in January.

Q. How much? A. He asked me \$16.

Q. What for? A. I say what for; he said \$15 for my expenses; \$1 go into the society expenses.

Q. What was he to give you for that? A. He say anybody want to run a game have to give me that; you see I got a badge; I got a gold badge; I am the deputy sheriff.

Q. Tom Lee said he had a gold badge, he was deputy sheriff? A. Yes; stuck on his suspender.

Mr. Moss.—That is a fact, I believe.



Q. Did you want to run a game? A. I wanted to run a game.

Q. And you went to see Tom Lee about it? A. I do not want to see him about it; I start a game at 18 Doyers street, where I live, downstairs in the rear room, and then I start a game and I look for Tom Lee to speak to him, and I can not, and the next morning he come to my room; I said, "Do you want anything?" "Certainly, do you know me?" I said, "What for?" he said, "You give me money;" I said, "How much I have to give you?" "Did you hear anything about anybody, people paying me;" talking not so quick as I talk, talking easy; he said, "\$16 a week."

Q. Sixteen dollars a week? A. All what the others pay me.

By Senator Lexow.

Q. What all the others pay me? A. Yes, sir.

By Mr. Moss:

Q. That was for just one room? A. Just one room, one table.

By Senator Saxton:

Q. Did he say what he was going to do with that money, where it was going to? A. He said, "I spend so much money for the gambling run; I spend so much money I have to collect the money."

By Chairman Lexow:

Q. What do you mean by gambling run? A. Keep a gambling run.

Q. For the privilege? A. To keep the game running.

By Mr. Moss:

Q. That was your game; you were to keep that running? A. Yes, sir.

Q. What was he to do with the \$16? A. I asked him; he says he spend money on that before; now he collect that money; \$15 his money and \$1 go in the society.

Q. Did he say how he spent the money? A. I do not know; he did not say how he spent money; he said only he spend money before for to keep the gambling run.

Q. Did he tell who he gave the money to? A. He tell me he got to pay somebody.

Q. Who was the somebody? A. He didn't told me.

Q. Why, Tom Lee is the boss, you say; why should he pay anybody? A. That is all; I pay money to Tom Lee.



Q. You say he was going to pay it to somebody else? A. Somebody.

Q. Who was that somebody else? A. He didn't tell me who that somebody else was.

Q. You did run that game a little while? A. Yes, sir.

Q. And you did pay Tom Lee some money? A. Yes, sir.

Q. How much money did you give him; how many weeks? A. Just a month; four weeks.

Q. You gave him \$16 in each of the four weeks, is that it? A. Yes, sir; each four weeks.

Q. Did you have any trouble with any officer while that was going on? A. Only last week, the three weeks and four weeks I keep that gambling run, Tom Lee know I keep a gambling run.

Q. Who came to collect the money? A. Tom Lee; sometimes he come with Lee Toy; sometimes he come without, and with —

Q. (Interposing.) With officer? A. He was some policeman downstairs; I didn't go downstairs looking.

Q. You mean to say he left the police officer downstairs? A. Yes, sir.

Q. And came up? A. Yes, sir; to collect the money.

By Chairman Lexow:

Q. Do you mean to say he had left a policeman downstairs?

A. No; the doorkeeper say so.

By Mr. Moss:

Q. Did you see the police officer downstairs? A. I did not go down to look.

Q. What is the trouble you had with the police officer? A. On that last week, I ran that game four weeks, and on Monday evening at 9 o'clock, Farrington, the detective, he come up; my doorkeeper holler, "Policeman;" we shut the door; Farrington pushed the door in, chucked the things all out of the window, smashed up the table, and chased we out.

Q. You had paid your money to Tom Lee? A. I did; I said, "Who send you up here; did you hear anything from Tom Lee;" he not say a word; right after that I go to Tom Lee; I say, "I pay you all the time; what is the matter; policeman come in, bust in my house, toss them people out, and send them people out;" he says, "What one;" "Farrington;" "I go see him right away;" "You fellows go back there;" then I go back to gambling-place; then, after a while Farrington come back, take some screw driver, and fix that door on again.

Q. Farrington did that for you? A. Did that for me.



Q. Was that the same day that you complained to Tom Lee; was that the same day? A. Same day, after two hours.

Chairman Lexow.—Farrington is one of these officers.

Mr. Moss.—One of the detectives.

The Witness.—I asked him to fix the table for me; the table is but a few boards; I make it myself. I said, "You smash that table; why don't you fix the table?" He said, "You go fix it; you can fix it yourself." He walked out; I go see Tom Lee again. I say, "He smash up that table; I buy that board to fix the table, and pay so much, and he take all of them buttons, all of them checks, and throws them things out of the window; I lose money on that. I pay you \$16 a week, and do that before only this week, and I lose money." He said, "How much are they worth, do you think?"

By Senator Saxton:

Q. Tom Lee asked you how much they are worth? A. Yes, sir; Tom Lee ask me them buttons and everything else chucked out of the window, how much them worth; I say, "I can not tell; come up, I show you;" "Never mind; no trouble no more; I give you \$5;" he gave me \$5.

By Mr. Moss:

Q. He gave you \$5 to square you? A. Yes, sir.

Q. You were a gambler, were you? A. Yes, sir.

Q. And that was a gambling table, that was smashed? A. Yes, sir.

Q. And that was the door of a gambling-house that he had broken in? A. Yes, sir.

Q. And he came with a screw driver and fixed that door? A. Yes, sir.

Q. Fixed everything for you? A. This man before, I ask him to fix the table.

Q. He gave you the \$5?

Chairman Lexow.—Tom Lee gave him the \$5.

Senator Saxton.—He went right back to Tom Lee to have the table fixed.

The Witness.—Because if Farrington don't fix the table I go see Tom Lee.

By Mr. Moss:

Q. How much did you give him after that? A. Next week I get mad, and I say that bad luck, and I won't pay.

Q. Fung Chuy, I suppose? A. Yes, sir.



Q. Do you know other men that have been paying \$16 a week to Tom Lee? A. I know a good many of them.

Q. Can you give their names? A. Yes, sir; I can give you names.

Q. Give me some of the names? A. Their names is Hing Chu Mon; he had a gambling run.

Q. Where? A. He live No. 12.

Q. Twelve Mott street? A. On Mott street.

Q. Any others? A. And the other friend, I know him very well; he keep a game; probably must be 28 or 30 Pell street, if not 28; it number 30 Pell street; he say he pay money to Tom Lee for that gambling run.

Q. Is it a matter of common knowledge throughout Chinatown that these games pay money for police protection; do people generally know that, and generally understand that they pay \$16 for protection for gambling-houses? A. Yes; give it to Tom Lee; Tom Lee say he give it to somebody.

Q. That is generally understood? A. Yes, sir.

By Senator Saxton:

Q. This man, Tom Lee, he is the collector; he does all the collecting around here from these places? A. Yes, sir.

Q. And is it talked about where he puts the money — where he gives the money? A. He don't want to tell it.

Q. Is it the general talk around there, what he does with it? A. General talk they pay some police.

Q. That is the general rumor there, general report? A. General report.

By Chairman Lexow:

Q. Is that true also of opium-joints? A. Some opium-joints; yes, sir.

Q. As well as these fan tan places? A. All the fan tan places.

Q. Do the opium-joints pay protection money the same as the fan tan places? A. I do not know how much they pay.

Q. Do you know whether they pay or not? A. I think they must be paid.

By Senator Bradley:

Q. You do not know of it yourself? A. I do not know.

By Chairman Lexow:

Q. Do you know whether or not the price of this protection was changed about two years ago; was it \$5 about two years ago? A. Before I do not know.



Q. Do you know anything about that at all? A. Before I don't run a game.

Q. Do you know whether the price was increased at all? A. I do not know that.

By Mr. Moss:

Q. There are a great many Chinamen engaged in this gambling business, are there not? A. Yes, sir.

Q. And there is a great deal of hard feeling among them, is there not? A. Yes, sir.

Q. And do any of the Chinamen side with the police in this gambling business, such police as O'Rourke and Farrington — I mean among those — do they sympathize with O'Rourke and Farrington? A. Talk with them; yes.

Q. And have you expressed to me a feeling yourself of very great fear of your personal safety, not only from the police, but from the Chinese gamblers, against whom your story may militate; have you such fear? A. Yes, sir.

By Senator Bradley:

Q. Are you afraid of them? A. Yes, sir.

By Mr. Moss:

Q. You didn't know that you were going to testify until you got your subpoena? A. I am going to testify.

Q. But you didn't know it until you got your subpoena this morning? A. I did not know it.

Q. And I have spoken to you quite a number of times about coming here? A. Yes, sir.

Q. You promised to meet me here, and didn't keep your promise? A. Because I had no time that time.

Q. And you never told me anything about Farrington in your life, did you, about this paying \$16 to Tom Lee? A. No, sir.

Q. You do not know how I know that, do you? A. No, sir.

Q. These things have come out of you simply because you have been compelled to testify, as I understand it? A. Yes, sir.

Q. Now, if anything happens to you, if any policeman or Chinaman attempts to trouble you and get up any more of these highway robbery cases, you must let us know? A. Yes, sir.

Q. And we will do what we can to protect you? A. Yes, sir.



John P. Ott, 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, Mr. Ott? A. Williams Bridge, N. Y.

Q. And what is your business? A. Salesman.

Q. I want to be very brief with you, and I know that you have been here all day and want to get away; some three or four years ago did you apply for an appointment on the police force? A. I did.

Q. To whom did you apply? A. I got my application in the headquarters — police headquarters.

Q. From any particular commissioner? A. Well, I got it from Commissioner Voorhis' office.

Q. Commissioner Voorhis' office? A. Yes.

Q. And you filed your application and got some commendations? A. Yes, sir.

Q. Some gentlemen to sign it? A. Yes, sir.

Q. Did you pass your civil service examination? A. I did.

Q. What was your rating, do you remember? A. I think it was something like 81 or 85.

Q. It was within the line? A. Yes, sir.

Q. Did you pass your physical examination? A. I did.

Q. How did you pass that? A. Well, there was only one rating.

Q. I mean did you pass that successfully? A. I passed it successfully; yes, sir.

Q. As to height, weight, etc.? A. Everything; yes, sir.

Q. And after you passed your examination, Mr. Ott, did you pay any money to any person in consideration of your securing your appointment? A. I did.

Q. How much did you pay? A. Three hundred dollars.

Q. To whom did you pay the money, Mr. Ott? A. It went through my hands to a friend of mine; he said he could get me appointed if I would pay \$300.

By Senator Bradley:

Q. Speak out louder, repeat that again? A. It transpired with a friend of mine who asked me; said that he could get me appointed if I would pay \$300.

By Mr. Ransom:

Q. It amounts to this, that you paid \$300 to your friend? A. Yes.



By Mr. Goff:

Q. Was that information given to you by your friend, before you made application? A. No; it was after the application was made.

Q. And after you passed your civil service examination? A. Everything.

Q. And you were waiting for notice of appointment, were you? A. That is what I was waiting for.

Q. About how long after you passed your civil service examination did you receive this information from your friend? A. About six to eight months afterward, I guess.

Q. And about how long after you made your first application was it when you received this information? A. As I said, the information I received about six or eight months after.

Q. About six or eight months after you made your application? A. Yes, sir.

Q. Were you beginning to get a little anxious as to whether you would be appointed or not? A. Yes, I was; because the time expires in one year.

Q. And did you seek out this friend of yours? A. No; he came to me.

Q. Now, who was the friend, Mr. Ott? A. A friend of mine by the name of Latus.

Q. Spell it? A. J. J. Latus — L-a-t-u-s.

Q. Is it John or James? A. Jacob.

Q. Where does Mr. Latus reside? A. Well, he has a place of business in Fourteenth street; I do not know exactly the number.

Q. What is his business? A. Cloak business.

Q. Is he there yet? A. He is there still.

Q. He resides in the city, I presume? A. Yes, sir.

Q. You do not know his residence? A. I do not know; he used to live in West Twelfth street; I do not know whether he lives there or not; I could not say.

Chairman Lexow.—How long ago was this?

Mr. Goff.—Three or four years ago.

The Witness.—Three or four years ago.

Q. Mr. Ott, what did Mr. Latus say to you about giving this \$300? A. He told me—he said that he knew a party that would put me on the police force after I had passed my examination, which, he says, you have, if I was to put up the necessary amount of \$300.

Q. Did he name the party? A. He did.

Q. What party did he name? A. The party he named was a party by the name of Flynn.

Q. What was his first name? A. I think it was Charles Flynn.



Q. What business was he in? A. Tailoring business.

Q. Where was his place of business? A. Six hundred and eighty-three Hudson street.

Q. Did he occupy any public position, or was he connected in any way with the public departments? A. That I do not know; I did not go into that to find out.

Q. Did you ever see Mr. Flynn? A. I have seen him several times.

Q. Was that all of Mr. Latus' communication to you, that Mr. Flynn could do it for you? A. That is all.

Q. You knew Mr. Latus pretty well, I presume? A. Yes; I have known him a good many years.

Q. And you relied upon what he said? A. I did; I relied upon what he said.

Q. And you gave him \$300? A. Yes, sir.

Q. In bills? A. Yes, sir.

Q. After you gave him the \$300, did he tell you that he had delivered it to Flynn? A. Yes; I think we went over to Flynn's place.

Q. Both of you? A. Both of us.

Q. And what took place at Flynn's place? A. Well, I was to stay on the outside while he went in and handed him the money.

Q. And he went in? A. He did.

Q. You remained on the outside? A. I did.

Q. He came out and told you that he had handed Flynn the money? A. Yes, sir.

By Senator Saxton:

Q. Did you see anything that took place on the inside? A. I couldn't.

By Mr. Goff:

Q. Have you visited Mr. Flynn yourself? A. I seen him several times.

Q. In connection with this \$300? A. In connection with the appointment; he said I would get it very soon.

Q. Did he ever say by what influence he could get it, or how? A. Well, from what I understand he had a great influence, but where I didn't ask.

By Chairman Lexow:

Q. Did he ever speak about the \$300? A. No; not to me.

Q. Or about any money? A. Not about any money to me.



Q. Didn't you mention the matter to him? A. I didn't mention the matter.

Q. Had you been told not to speak anything about money? A. I had been told by my friend not to say anything about money.

By Mr. Goff:

Q. You had been told by Mr. Latus not to say anything to Flynn about the money? A. I had.

Q. But you have seen him several times about the appointment? A. I have.

Q. And you have been waiting for the appointment? A. I have been waiting for the appointment.

Q. And the appointment hasn't arrived yet? A. I am glad it hasn't; I am doing better than if I got appointed.

Q. Did you ever receive the \$300 back? A. Never.

Q. Did you ever make a demand for it? A. I have; I have made several demands for it.

Q. To whom? A. To my friend, and he said any time I wouldn't get appointed I would be sure and get the money back.

Q. Mr. Latus? A. Yes, sir.

Q. Have you made the demand upon Mr. Latus? A. Yes, sir.

Q. What excuse, if any, has he given? A. I have a letter in regard to it in my pocket, that he wrote about it.

Q. Have you a note in your pocket? A. Yes, sir.

Mr. Goff.—Let us look at it.

By Chairman Lexow:

Q. What does he say about it? A. It is a letter I wrote to him, and an answer that he sent back to me on the slip I wrote him.

Q. Did you ever demand the money of Flynn? A. It was his transaction; I couldn't demand it myself personally; it was a transaction between a friend of mine and Mr. Flynn; I would have to demand it from Latus, and get it from Flynn.

Q. But you never made a personal demand on Flynn for the money? A. I never made a personal demand on Flynn for the money.

Q. Is he a real tailor, or a bogus tailor? A. That I do not know; this (producing paper) is the letter I wrote to him, and there is an answer, a reply to it, in red ink.

Mr. Goff reads the letter to the committee as follows:

June 14, 1894.

Friend Jake.—Don't you think that it is about time I heard something about that affair? Am I going to get anything or



not? You said, you know, that Flynn was — I think it is about time. I have waited long enough, as you said I would not lose all of it; that you see I got half of it; if I did not, you would not let me lose it, but I didn't see half or anything else, and not even hear anything until I write. Don't you think that fair? You know that is not a little sum to lose. It might look so to you but not to me, and I want to know if I am going to get anything or not, so I will know how to act in the matter. If I only get some of it, one-half or three-quarters, that is something; that shows that I am not swindled, which I think I am.

Yours respectfully,

JOHN P. OTT.

Mr. Goff.— And the answer is:

“I wish you to understand that I am not a swindler. After such a letter as this, if you desire any information, you must call on me personally, and see me at my convenience.

“J. J. LATUS, JR.”

By Mr. Goff:

Q. And that is the extent of your adventure of getting on the finest in the world? A. That is what it is.

Cross-examination by Mr. Ransom:

Q. Do you know Morris Jacobs? A. No.

Q. Then you have never heard anything about his experience in trying to get on the police? A. No; I do not think I did.

Q. You charged your friend, Latus, in that letter with having swindled you; it is your judgment, isn't it, that you have been swindled by these men out of your money? A. Well, it looks that way.

Mr. Ransom.— It looks that way to us, I suppose. That is all.

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

Direct examination by Mr. Goff:

Q. What is your name? A. William Entwistle.

Q. And your place of business? A. Fifty-seven and one-half Dey street.

By Chairman Lexow:

Q. What is your business? A. Produce business.

Senator Bradley.— Speak up, so that Judge Ransom can hear you.



By Mr. Goff:

Q. Your business is produce? A. Produce; yes, sir.

Q. And your place is where? A. Fifty-seven and one-half Dey street.

Q. To whom do you give the money that you collect in the envelopes? A. I give it to Mr. Golden.

Q. Who is Golden? A. He is in the produce business, on the corner of West and Dey streets.

Q. Give us his full name, Mr. Entwistle? A. Owen Golden.

Q. His place of business is where, do you say? A. Corner of Dey and Greenwich — Dey and West.

Q. How did you come to collect the money, Mr. Entwistle? A. I could hardly tell you.

Q. Yes; we are interested to know. A. I know it; there seems to be a time in the spring, you know, when it is necessary to collect a little money that way; I collected no money; I collected envelopes.

Q. Who asked you to collect the envelopes? A. Mr. Golden.

Q. For whom was the collection made? A. I couldn't tell you; that I do not know.

Q. What were those envelopes? A. Envelopes from business men; plain envelopes.

Q. They contained money, didn't they? A. I suppose so; I do not know; I didn't look inside of them.

By Chairman Lexow:

Q. They had something in them, didn't they? A. Yes, sir; they were sealed.

By Mr. Goff:

Q. Mr. Golden is in the produce business, isn't he? A. Yes, sir.

Q. Was it not a well-known fact to you, and understood by you, that these envelopes were collected for the police? A. I do not know who they were collected for; I couldn't tell you that.

Q. Didn't you have some knowledge about it? A. We suspected something of that kind; wasn't sure of it.

By Chairman Lexow:

Q. When you speak of "we," you mean yourself, don't you? A. Myself; yes, sir.

By Mr. Goff:

Q. Was there not some one else engaged with you in collecting these envelopes? A. Mr. Golden used to collect a few the same way.



Q. Used you to go around among the merchants? A. Yes, sir.

Q. Were you limited to a certain number of merchants or a certain district? A. I used to attend to just the one block, between Washington and Greenwich streets.

Q. That is, both sides of the street? A. Yes, sir.

By Chairman Lexow:

Q. Who told you to attend to that? A. I just done that to accommodate Mr. Golden.

Q. Did Golden ask you to do that? A. Yes, sir.

Q. Who ordered Golden to do that? A. That I do not know; that I do not know anything about.

Q. Never heard? A. No, sir.

By Mr. Goff:

Q. What did you say to the merchants the time you went to collect the envelopes? A. I went and told them that the time has come when they had got to do something; that is the plain of it.

Q. The merchants knew what you were collecting for, did they not? A. They suspected.

Q. They knew you weren't going to give it to an orphan asylum? A. No, sir.

By Chairman Lexow:

Q. You say that was the usual way; what do you mean by the usual way? A. They had been doing it for years; I never did it till two years ago.

Q. You never did it until two years ago? A. Then I used to go and ask them.

Q. Who told you that was the usual way? A. I wouldn't do it any other way; I wouldn't take the money.

Q. You said in answer to Mr. Goff's question that that was the usual way of doing; who told you, or how do you know that that was the usual way of doing the business? A. Because I have heard him speak about it.

Q. Heard who? A. I supposed dozen of men; speak about it around the corner.

Q. Were other men doing the same business? A. I suppose everybody does the same business.

Q. I mean going around collecting? A. No, sir; I never done it.

Q. And telling them to come up? A. I do not know about that.



By Mr. Goff:

Q. What precinct is that block in? A. I could not tell you that.

Q. Do you know where the station-house of that precinct is? A. Yes, sir.

Q. Church street? A. Yes, sir.

Q. Where Captain O'Connor is now? A. I do not know who the captain is.

Q. How many years did you collect those envelopes? A. Two, I believe.

Q. Did you collect the envelopes twice a year? A. No; once a year.

Q. When Mr. Golden told you to collect those envelopes, would he tell you what the envelopes were for? A. Well, they understand that—seemed to, all of them; he didn't tell me; they all seemed to understand it.

Q. You derived no benefit yourself from collecting those envelopes, Mr. Entwistle? A. No, sir.

Q. You simply went around in the neighborhood and gathered the envelopes and gave them to Mr. Golden? A. Yes, sir.

Q. It not being any benefit to you at all, didn't you know what envelopes you were collecting, and what you were collecting them for? A. Well, I supposed it was for something.

By Senator Saxton:

Q. Wasn't there a general understanding there among the merchants and yourselves, as to what was to be done with them—what they were for? A. Yes; I suppose so.

By Mr. Goff:

Q. Wasn't that for the merchants to pay the police for occupying the sidewalk? (Not answered.)

By Chairman Lexow:

Q. Wasn't that the understanding? A. I do not know; we were supposed to have no trouble after that was done, and it is done around the spring of the year, and after that we don't have any trouble.

Q. Do I understand that instead of your paying a rental for sidewalk privileges to the police, you collected the money for them? A. I do not say I collected it for them; I do not know who I collected it for; I simply collected a little money.

Q. You say you had no trouble after you did it; do you mean it was because you made those collections you were not troubled?



A. Whether they got the money or not, I do not know; I do not know who gets it.

By Senator Saxton:

Q. Wasn't that the understanding, that it was for that privilege? A. I do not know about that.

By Senator O'Connor:

Q. Wasn't this the understanding, that by the delivery of these envelopes you weren't obliged to go down to court? A. Yes, sir.

Q. That was the result of it, wasn't it? A. Where it goes to, I do not know.

Q. And if these envelopes were not delivered, you would be compelled to go to court? A. I suppose so.

Q. That was the understanding? A. Yes, sir.

By Chairman Lexow:

Q. You didn't put any money in an envelope, did you? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. How much did you put in an envelope? A. Ten dollars.

Q. And handed that envelope with the others to Mr. Golden? A. Yes, sir.

By Senator Bradley:

Q. Put a business card in the envelope? A. No, sir; just the number of the building.

By Chairman Lexow:

Q. Your understanding of that was that you weren't to be disturbed in your sidewalk privileges? A. I couldn't understand anything of the kind, because we don't come in contact with anybody.

Q. What did you pay the \$10 for? A. Simply because we expected to go along smoothly.

Q. With the police? A. I don't say the police, or anybody.

Q. Don't you know to whom your own money went? A. No, sir; I do not.

Q. Don't you know what you were paying it for? A. No, sir; we only understand what we are paying it for; I do not know.

Q. You supposed that you were paying that for the purpose of not being annoyed by the police? A. I do not know.



Q. You supposed, when you were paying this \$10, that you were paying it for the purpose of not being annoyed in your business? A. That is it.

Q. Was there anybody that could annoy you, except the police—anybody in particular? A. No, sir.

By Senator Saxton:

Q. Did you collect at several places along on each side of the street? A. Not everyone.

Q. What class of places did you collect from? A. Produce places, mostly.

By Senator O'Connor:

Q. The business that occupied the sidewalk to a greater or less extent? A. Business on the sides of the street; more or less down the street.

By Mr. Goff:

Q. Did Mr. Golden tell you the particular places to call for the envelopes? A. No, sir; he said I was acquainted better up on that block than he was, and I could attend to that.

Q. And did Mr. Golde collect in another block; is that it? A. Yes, sir.

Q. About how many envelopes did you each collect? A. About five or six; something like that.

No cross-examination.

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

Direct examination by Mr. Goff:

Q. You are a retired policeman? A. Yes, sir.

Q. You served your 20 years or over on the department? A. Served 32.

Q. And what position do you occupy now, Mr. Beattie? A. I am special officer of the New York Life Insurance Company.

Q. And you are now in receipt of a pension from the police department? A. Yes, sir.

Senator O'Connor.—When did he retire, Mr. Goff?

Q. When did you retire, Mr. Beattie? A. September, 1889.

Q. Did you ever loan to any one man any money to help pay for his preferment on the police force? A. Not knowingly.

Q. Did you ever loan any money, and did you afterward learn that it was used for that purpose? A. No, sir.



Q. When you say, "Not knowingly," what meaning do you attach to that, Mr. Beattie—that you did not loan him knowingly? A. Well, I say, not that I know of; I never have.

Q. Did you ever loan any man money who was about to be appointed a sergeant? A. I loaned a man money to help pay off a farm in the country; he lives up in the upper part of the State—what he done with it, I do not know.

Q. That was the purpose that he avowed that he wanted the money for?

Chairman Lexow.—Pay off a mortgage, you mean?

The Witness. — He bought a farm, and he had a mortgage on it, and he asked me to let him have some money, and I done so.

By Chairman Lexow:

Q. How much? A. Six hundred dollars.

By Mr. Goff:

Q. What was that man's name, Mr. Beattie? A. His name was Wavel.

Q. Give me his first name? A. Oscar.

Q. Is he on the force yet? A. I expect so.

Q. Was Oscar Wavel made a sergeant at about the time that you loaned him the money? A. No, sir.

Q. Was he a sergeant at the time? A. No, sir; not for a year after.

Q. What was he, a roundsman? A. Roundsman; he was on Broadway with me, when I was in the business; I think a good bit about the man; do yet; I found him to be always sober, square, good officer, and he came to me two years ago—it will be two years ago 1st of July, and told me he had bought a little place, close by where he was born, and he wanted to pay off a mortgage; there was a mortgage on it, or some indebtedness on it, and he asked me how I was fixed; if I could let him have a few hundred dollars; I told him I could, because I liked the man, and I let him have \$600; he said he was paying 8 per cent., and did not like to pay that; I told him he could have what he wanted from me for 5.

Q. Did you ever state to any person, Mr. Beattie, that you had loaned this man, or any other man, money for the purpose of enabling him to get his appointment as sergeant? A. No, sir.

By Chairman Lexow:

Q. What do you say, Mr. Beattie; do you say no; sure of it? A. I guess I am; I never recollect, if I did.



By Mr. Goff:

Q. Wouldn't you recollect if you did? A. I think I would.

Q. Your memory is not at all failing, Mr. Beattie? A. No, sir.

Q. You look a hale, hearty, vigorous man; did you ever do any collecting for any police official while you were on the force; you know what I mean? A. I do; no, sir; never.

Q. Were you asked to? A. No.

Q. Was there ever a request made of you, Mr. Beattie? A. Collect on the street; no, sir.

Q. Was there ever a request made of you by any of your superior officers—I do not care whom—to visit liquor stores? A. No, sir.

Q. Or other places, for the purpose of making collections? A. No, sir.

Q. Did you ever state to any person that you had been so requested? A. I had a captain once—he is out of the business now—that wanted me to be made special man, or, as you call it, wardman, and he sent for me, called me into his room, and told me what he would like to have, but he didn't have a very good report; I told him I was afraid I wouldn't fill the bill.

Q. What did he say to you, Mr. Beattie, when he sent for you to come into his room? A. Going to give me an easier place and stay on the street; I told him I preferred to stay where I was.

Q. That was, on patrol duty? A. Yes, sir.

Q. When you went there, you understood the duty of a wardman; you understood what was expected of them? A. I have never been there.

Q. But you knew as a policeman, hearing your brothers talk, knew what it was? A. Yes, sir.

Q. And you knew that if you accepted that position from the captain, that it would be part of your duty to him to go around to the liquor stores and places of questionable repute? A. I expected if I filled the bill and held the position, I would have to do what I was told.

Q. You knew that was part of the expected duty of you? A. I expected so; I did not know it.

Q. That was the general understanding among the police officers, wasn't it? (Not answered.)

By Chairman Lexow:

Q. That was the general reputation of what a wardman had to do? A. Yes, sir.

By Senator O'Connor:

Q. And you declined it, on the ground that you didn't want to engage in that kind of work? A. Yes, sir.



By Mr. Goff:

Q. You preferred to be a policeman and do your duty and earn your salary, and nothing more? A. Yes, sir; exactly.

Q. And is it not a fact, Mr. Beattie, that it is a matter of common knowledge among the policemen who were on the force during your time, that the wardman was expected to visit liquor stores, houses of ill-fame, gambling places and other houses of ill-repute in his neighborhood, for the purpose of collecting money for the captain? A. That is common rumor; more than that, I do not know.

Q. That is common knowledge? (Not answered.)

By Chairman Lexow:

Q. It is not only common rumor in this community, but it is a thing that is understood in the force itself? A. That is it.

By Senator Saxton:

Q. You haven't any doubt but that it is so, have you, that that is the duty of the wardman? A. Not the least.

By Senator Bradley:

Q. Did you ever see any of them going into any of those places for the purpose of collecting money? A. No, sir; but Broadway is full of stores and trucks and business houses, and my business was from 6 to 6.

Q. You never saw them collecting anything, or going around for the purpose of collecting money from the houses? A. No, sir.

Q. You never saw the occupants of these houses complaining or talking about having paid money? A. Not when I was there; because I wouldn't allow it.

By Chairman Lexow:

Q. Do you know of other policemen who have refused to be wardmen, under the same conditions that you have? A. Not that I can think of.

Q. You do not know of any other person who has been offered the position of wardman, and refused it upon the same grounds that you have? A. I can not recollect now; my duty was on Broadway; it was between Reade and Franklin streets; I was there for 27 years in the dry goods neighborhood; consequently it was all day work, and I preferred to stay there, sooner than take any other place.



Cross-examination by Mr. Ransom:

Q. I want to ask Mr. Beattie to give me the time, if he can, when he had the talk with the captain about being a wardman; how many years ago was it? A. It must be 14 or 15 years.

Q. The captain is dead? A. Yes, sir.

John H. Gunner, being called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your father was at one time police captain? A. Yes, sir.

Q. What was the number of the precinct then? A. Twenty-fifth, I believe.

Q. Did you attend a funeral at St. George's recently? A. I did.

Q. Funeral of Virginius Dabney? A. Yes, sir.

Q. Did you state to a person at that funeral that the captain who succeeded your father had to pay for his appointment? A. I did not.

Q. Did you state to any person, male or female, at that funeral, either at St. George's Church or at any other place, in connection with the funeral, that the man who succeeded your father had to pay the sum of \$18,000 for his appointment? A. I did not make that remark as stated.

Q. Did you say anything at all like that, Mr. Gunner—anything in substance? A. I said something in regard to it, but not that remark.

Q. Will you please tell us what you said? A. I consider myself in honor bound not to voluntarily disclose conversations among gentlemen.

Chairman Lexow.—You are under oath. I understand Mr. Gunner is here under subpoena.

Mr. Goff.—He is, and very unwillingly.

The Witness.—I attended the funeral of Mr. Virginius Dabney. I did not have the pleasure of knowing him very long, but sufficiently to respect him a great deal, and as I had always been a deputy collector, and noticing the account of his death, as a matter of respect to Mr. Dabney I attended the funeral at St. George's. Of course, there was no conversation held in the church, during the services. Immediately after the service was concluded I, together with some others—we were the guests of a certain gentleman—we proceeded to O'Neill's restaurant and oyster-house, Sixth avenue and Twenty-second street, and as the papers were teeming at that time with these matters, and full of accounts with Mr. Parkhurst, and the others of his people,



of course it naturally come up in the conversation, and the remark that I did make was this, that I thought many of the charges that were made against the police seemed to be ridiculous to me, while there might be some trouble here and there. I said, "Take, for instance, my father's case." I said, "Thirty years a police officer, 20 of which he was captain, and his eyesight commenced to fail toward the end. He retired voluntarily, and wasn't retired until the age limit, and," I said, "there was remarks that he was forced out by the commissioners, and his successor had to pay \$18,000." That is the only remark I made like that.

Q. Then you did hear rumors of that kind; you wouldn't have said so unless you did hear rumors? A. I think it was a squib somewhere in the papers.

Q. Had you any more specific information than the mere rumor? A. No; because I thought the price was simply ridiculous; a young fortune.

Q. That is what I think, too. A. Then we agree on that.

Q. The statement having been attributed to a gentleman in your position, we naturally thought that you had some specific information to found such a remark on? A. No, sir; in my father's 30 years' experience in the police business, I don't suppose that I was 30 times in the station-house where he was stationed, and as regards headquarters, I know very little about the police affairs; I didn't come into politics until our people had very little to say, and then, of course, I made very few trips to headquarters.

No cross-examination.

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

Mr. Ransom.—I suggest that you inquire of this man as to his understanding of the oath he has taken.

By Chairman Lexow:

Q. Do you understand the oath that you have taken? A. Yes, sir.

Q. Do you understand that you must tell the truth? A. Yes, sir.

Q. Do you understand that you are sworn to tell the truth? A. Yes, sir.

By Senator Bradley:

Q. (Exhibiting Bible.) Do you know what that is? A. That is all the truth.



Q. What is this book? A. That is to tell the truth.

Q. What is this book? A. I do not know.

By Chairman Lexow:

Q. The Bible? A. Yes, sir.

By Senator Bradley:

Q. Do you know what that is there? A. Yes, sir.

Q. What is that? A. That is the God.

Direct examination by Mr. Goff:

Q. What is your business, Capalita? A. Fruit dealer.

Q. And where is your store? A. Corner West and Cortlandt streets.

Q. What is it, a stand or a store? A. Stand.

Q. Now, Carlos, how much did you pay the police for keeping your little stand on the sidewalk? A. About nearly \$200.

By Senator Bradley:

Q. A year? A. Last year; not before.

Chairman Lexow.—Last year only; he hadn't paid before.

By Mr. Goff:

Q. To whom did you pay the money? A. I know the man; one; they call him Hickey; I do not know the other one man, because I have been in Europe since; I left there for about four months.

By Chairman Lexow:

Q. Where is your fruit stand? A. Corner West and Cortlandt streets.

Q. Does it encroach on the sidewalk? A. Yes, sir; just on the sidewalk; just on the street.

By Mr. Goff:

Q. What was the other man's name; wasn't it Gallagher? A. I think it is Gallagher; yes.

Q. These were wardmen? A. The wardmen.

Q. And what did Hickey say to you? A. Well, always been kicking all the time; that is what he want.

Q. He was kicking all the time? A. Always kicking.

Q. They belonged to the police station in Church street? A. I think so; yes, sir.



Q. Well, Hickey was kicking, you say? A. Yes, sir.

Q. What did he say; did he say that he wanted money from you? A. No; all he say was, "Too much on the sidewalk; too much this; too much that;" and when he got something, he kicked no more.

Q. Did he ask you for money? A. No; he never asked me for money.

Q. How did you come to give him money? A. Of course, when you give him a little money, he wouldn't kick so much.

Q. Did you give him money every time he kicked? A. No, no; no; only once.

Q. How much did you give him? A. About \$10.

Q. To whom did you give the balance, \$190? A. Not quite by Gallagher and another man; I do not know the other man at all.

Q. How much did you give the other man? A. About \$35.

Q. You said he kicked, too? A. He used to kick, too.

Q. And to whom did you give the balance of the money? A. Gallagher.

Q. Did he kick, too? A. Of course.

By Senator Bradley:

Q. Kicked with the right foot, didn't he? A. He kicked with the right foot.

By Mr. Goff:

Q. Every time he kicked did you give him money? A. No, no, no.

Q. How much used you to give him at a time? A. Twenty-five dollars.

Q. Twenty-five dollars? A. Yes; sometimes.

Q. What did he tell you he wanted the money for? A. He said he would let me alone; I can rest as long as I give him the money.

Q. Were you ever arrested, Carlos, for occupying the sidewalk? A. No.

Q. Used they to take your fruit, as well? A. Yes.

Q. Help themselves to your oranges? A. Sometimes, some of them.

Q. And to your apples? A. Some of them.

Q. Never pay you for it? A. No.

Q. Then you say that in one year you had to pay \$200 to the police? A. Yes, sir.

Q. For your little stand? A. Yes, sir.

Mr. Ransom.—He said Hickey and Gallagher.



Chairman Lexow.—They are wardmen — besides, fruit contributions.

Mr. Goff.—To the police named.

Mr. Ransom.—He has said two by name, and another.

Q. When did you make the last payment, Carlos? A. Before New Year's — before Christmas; about a month before Christmas.

Q. Did you make them any presents at Christmas? A. No; never.

Q. How is it that they do not come around to you now kicking? A. I never see them since.

Q. They don't go near you now? A. No, sir.

Q. Nobody disturbs you? A. Not yet.

Q. You expect to be? A. I guess so; I don't know.

By Senator Bradley:

Q. When do you expect them to come around again? A. I do not know; maybe any day.

Joseph V. De Rosa, 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. One hundred and ninety-one Mulberry.

Q. And where are you employed? A. V. J. McCann, 210 Bowery.

Q. Hat store? A. Yes, sir.

Q. You have had a good many policemen as customers, haven't you? A. Yes, sir.

Q. Do you remember about a month or so talking to a policeman about your business, about your trade? A. Yes.

Q. What policeman was it? A. Mr. John Flatly.

Q. Of what precinct? A. Tenth precinct.

Q. That is the station-house in Elizabeth street, is it not? A. In Mulberry.

Q. Now, tell the committee what Mr. Flatly and yourself talked about; just give the conversation as it occurred, as nearly as you can recollect it? A. Well, I was on my way home, and as I passed the station-house, Mr. Flatly was coming up toward my way; I had to pass him to go home, you know, and I passed Mr. Flatly, and Mr. Flatly said, "Good evening; good evening; what are you doing out so late;" it was on Saturday night, you know, and being a Saturday night, we close up late; it was around 1 o'clock, and Mr. Flatly said, "Say, how is it that I hear that our bill was refused by Mr. McCann?"



Q. Our bill? A. Our bill; "I heard that our bill was refused to be signed by Mr. McCann;" I said, "What bill is that;" he said, "That is the police bill;" I said, "I do not know anything about it."

Q. The police bill? A. Yes; I said, "I do not know anything about it;" "Well," he says, "well, I heard two of our fellows were around, and that it was presented to Mr. McCann, and he refused to sign;" I said, "I do not know anything about it, sir;" "Well," he said, "we have been requested by the house not to come there any more."

By Senator Saxton:

Q. By the house? A. By the house.

By Mr. Goff:

Q. What did you understand by the house at the time? A. I supposed by his superior.

Q. Did you understand the house to mean the station-house? A. Station-house.

Q. Wasn't there something said about there being a number of officers customers of your store before that? A. There were quite a number came previously before the request was made, but since then but few of them have come.

Q. When you speak about the police bill, you mean it was a petition in favor of the bill raising the policemen's salary; is that the one? A. Yes, sir.

Q. And Mr. McCann, as you were informed by the policeman, declined to sign it? A. Yes, sir; Mr. McCann never seen the bill.

Q. But the policeman believed that he refused to sign it? A. Yes, sir.

Q. And for that this policeman said they were requested by the house not to patronize your store any more? A. Yes, sir.

John J. O'Brien, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Janitor and caretaker of property generally.

Q. Where are you employed? A. At present in Harlem.

Q. Did you complain to the police about any houses of ill-fame in your neighborhood? A. Not where I am at present.

Q. Before you were in Harlem? A. Yes, sir; Thirty-ninth street; I had some property in Thirty-ninth street.

Q. Near what avenue? A. Between Seventh and Eighth.

Q. That is in Captain Houghey's precinct? A. I do not know who is captain of it.



Mr. Goff.—That is Captain Price's, the Twentieth.

Q. Did you complain of more houses than one, Mr. O'Brien?

A. One was the principal one.

Q. What one was that? A. Two hundred and fifty-two.

Q. Thirty-ninth street—West Thirty-ninth street? A. Yes, sir.

Q. What was the madame's name? A. Nettie Grant, or Ettie Grant.

Q. What was the cause of the complaint, the immediate cause?

A. Well, the property-owners in the immediate neighborhood wanted a committee appointed for to go down—a sort of delegation, to go down and see the captain of police, concerning the noise occasioned there in the early morning hours, with cabs and rows and such like.

Q. And it was a great disturbance to the neighborhood? A. Yes, sir; a constant disturbance.

Q. Did you visit the police captain? A. Yes, sir.

Q. What captain was it? A. I couldn't tell you.

Q. What conversation had you with him? A. We told him about the disturbance—the noises.

Q. What street was the station-house in? A. Thirty-seventh street.

Q. West Thirty-seventh street? A. Yes, sir.

Q. What did the captain say? A. Well, he said it would be attended to; that is all the satisfaction we got.

Q. How long was that ago? A. That was in the fall of 1890.

Q. Was it attended to? A. Well, the noises ceased; the shutters were kept closed for awhile.

Q. Did you have any talk with Madame Grant? A. Yes; she sent a messenger boy in for me, to talk; I did not know who it was that sent the messenger boy, but he said a lady wanted to see me outside; she came down from the direction of Seventh avenue, and she introduced herself to me; she only lived across the street, but she come from that distance, apparently, dressed up; she wanted to know the reason why I was squeezing her or trying to shove her to the wall; I told her I did not know anything about it; I wanted to know what she meant.

Q. Well? A. Well, she said they had been complaining to the police; I said, "All right; look at the noises; the way these things are carried on, it has got to stop;" she said, "Don't you know that everything you do, that it raises the ante;" I told her I didn't know anything about that; I had to look after the property I had in charge; look after my own business.

Q. Was that all the conversation you had with her? A. That is, about; or, at least, she told me that she had a lease of the premises.



Q. She had a lease? A. Yes, sir.

Q. Was that the only time you saw her? A. That is the only time I ever spoke to the madame.

Q. Do you know anything of any women being accosted upon the street by policemen, and accused by policemen of immoral practices? A. I did know of such, some eight or nine years ago.

Q. To your knowledge, were they reputable or disreputable women? A. They were respectable working women, making overtime at night.

Q. Do you know whether any demands were made for money? A. Yes; and one girl told me it was safer to turn up a dollar or so if she had it in her clothes, than go before a magistrate and be locked up.

Q. Did you know the girl? A. I did.

Q. Was she a decent girl? A. A respectable girl; hard worker; steady worker.

No cross-examination.

By Senator Bradley:

Q. Did the madame say anything to you about how much she had to put up; mention any sum? A. No, sir; all she said on that subject was that every time the police interfered with her, the ante was raised.

Fred M. Dudley, called as a witness on behalf of the State, being duly sworn, testified as follows:

Q. What is your business, Mr. Dudley? A. I am at present cashier and bookkeeper for J. M. Voorhees, 179 Reade street; I was originally with the firm of J. W. Dudley & Company, 180 Reade street.

Q. Is that the firm that you are with now? A. No, sir; I am with J. M. Voorhees now.

Q. What business? A. Produce business.

Q. What position do you occupy, Mr. Dudley? A. Cashier and bookkeeper.

Q. How much money does your firm pay to the police, Mr. Dudley—how much money? A. My present firm—the firm I am with?

Q. Yes. A. I couldn't tell you.

Q. The firm which you were with? A. J. W. Dudley & Company?

Q. Yes. A. We paid \$25 a year—that is, for two years.

Q. How long ago is it, Mr. Dudley, that you left that firm of J. W. Dudley & Company? A. That firm has dissolved three years ago; I was a member of the firm.

Q. Mr. Dudley, you paid \$25 a year for two years? A. Yes, sir.



Q. To what policeman? A. Mr. Kelly, the ward policeman; he wasn't a policeman.

Q. Did you pay him personally? A. Yes, sir; I paid him personally.

Q. Did he say anything to you about the use to which the \$25 was to be applied? A. I tried to compromise with him; I said the original firm had only paid about \$15.

Q. That is the firm that occupied the premises before your firm? A. Yes; and of course I didn't want to pay any more than anybody else on the street, and so I kept him coming there for about a week, until I could ascertain how much the rest were paying, and I found out they were all paying \$25, and I believe the other firm paid him \$15, and I tried to compromise with him on \$15, and he said the captain was a new man there; he had no jurisdiction, and it was the captain that made the sum, and it was necessary to pay \$25, and he couldn't do any better.

Q. And in your inquiries during this week, Mr. Dudley, you found that the merchants all around your neighborhood were paying \$25? A. Yes, sir.

Q. And when you urged upon him the propriety of accepting \$15, he told you that he had no jurisdiction in the matter; that the captain fixed the sum? A. Yes, sir; said it was a new captain.

Q. He had nothing to do but collect? A. Yes, sir.

Q. And that it was a new captain? A. Yes, sir.

Q. Did he tell you what form to pay the money in? A. I gave him the money, got it out in bills, and he gave it back to me and said I would have to put it in an envelope.

Q. Did he say anything about putting in your card? A. Our business address was on the envelope.

Q. And then you took the \$25 and folded it in an envelope and handed it to him? A. Yes, sir.

Q. And you did that each time? A. I did that each time; yes, sir.

Mr. Ransom.—I would like to know when that was?

By Chairman Lexow:

Q. When was this? A. I think it was in the month of April.

By Mr. Ransom:

Q. What year? A. It is just three years ago.

Q. This last April? A. Yes, sir.

Q. Who was with you when you paid Kelly the money? A. I was alone in the office.

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

Q. What number Reade street? A. One hundred and eighty.



By Chairman Lexow:

Q. Was that the last payment you made? A. That was the last payment; the firm was dissolved.

Q. You have had no occasion to make payments after that?

A. No, sir.

By Senator Bradley:

Q. Nobody called on you in this firm for any money? A. No, sir; not this firm.

Martin Burke, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where is your place of business? A. Thirty-nine Little West Twelfth street.

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

Q. How long have you been there, Mr. Burke? A. Close on to 10 years.

Q. Produce business? A. Fruit business.

Q. You occupy the sidewalk more or less in that business, Mr. Burke? A. Very little.

Q. Some? A. I occupy the stoop line more; not very much on the outside.

Q. You have never been troubled by the police, have you? A. No, sir.

Q. Have you ever been summoned to court? A. Yes, sir.

Q. Did you ever pay a fine? A. Yes, sir.

Q. Sum of money? A. One.

Q. How long is that ago? A. Oh, it is about four or five years ago.

Q. Have you ever been summoned to court since? A. Yes, sir.

Q. Did you pay a fine? A. No.

Q. How was your case disposed of? A. Dismissed the complaint—the Judge did.

Q. Whom did you go to see the last time you were subpoenaed before the Judge? A. Whom did I go to see?

Q. Yes; to fix it for you, you know? A. Nobody.

Q. Did you go to court yourself? A. Yes, sir.

Q. And defend your own case? A. Yes, sir; had a good case.

Q. Didn't see a soul? A. No, sir.

Q. Didn't you have any lawyer? A. No, sir.

Q. Didn't need a lawyer? A. Didn't need a lawyer.



Q. Did the police officers testify against you? A. He swore that he see me; that the truck was there taking off, and taking fruit off others.

Q. And were you put under oath? A. Yes.

Q. You denied that? A. No; I did not deny it.

Q. You admitted it? A. I said we were taking off fruit, and that we were receiving fruit and shipping it the same time; all came together.

Q. Was that the only time that you were summoned to court, and nothing was done with the case? A. That was the only time; I was only summoned twice to court.

Q. Once you were fined, four or five years ago? A. Yes, sir.

Q. How much? A. I guess it amounted to about \$11 and some odd cents.

Q. And since then you have been summoned once, and the Judge dismissed the case? A. Dismissed the case.

Q. That was the Third District Court, before Judge Moore? A. No; before Judge Dean.

Q. Before Judge Moore went on; the same courthouse? A. Yes, sir.

Q. Isn't it a fact, Mr. Burke, that the police officers there are all very friendly with you? A. Friendly in a way.

Q. You are a member of the general committee of Tammany Hall, are you not? A. No, sir.

Q. Have you never had your name on there? A. No, sir; my name is not there.

Q. You pay your contribution? A. Not a cent.

Q. How did your name come on there? A. I do not know.

Q. Did you ever attend any of the meetings? A. No, sir.

Q. Where do you live? A. Eighty-one Jane street.

Q. That is in the same district? A. I do not know who put my name on there; I didn't authorize anybody to put my name on there.

Q. Did you ever buy tickets? A. No, sir.

Q. For chowders? A. If I wanted to go on chowders.

Q. For the district club, you know? A. Never went on one of the district club's chowders.

Q. Never bought tickets? A. Not for them.

Q. Never made any contributions? A. No, sir.

Q. At election time? A. No, sir.

Q. Or at Christmas time? A. No, sir.

Q. Ever been asked for any? A. Never been asked for any.



Proceedings of the thirty-fourth session of the committee, Thursday, June 28, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Charles T. Saxton, Edmund O'Connor, George W. Robertson, Daniel Bradley and Jacob A. Cantor; John W. Goff and W. Travers Jerome, of counsel for the committee; Rastus S. Ransom and Delancey Nicoll, of counsel for the police board.

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

Direct examination by Mr. Goff:

Q. Are you the wife of Officer James Kelly? A. Yes, sir.

Q. Raise your voice, please? A. Yes, sir.

Q. Has he been retired from the force? A. Yes, sir.

Q. He was wardman in the Leonard street police station, wasn't he? A. Yes, sir.

Q. For how many years, Mrs. Kelly? A. Three years.

Q. Where do you reside? A. Seventy-eight Bedford.

Q. Seventy-eight Bedford street? A. Yes.

Q. Where is Mr. Kelly? A. I couldn't tell you.

Q. Will you please raise your voice? A. I couldn't tell you.

Q. Just think you are talking to Mr. Kelly? A. Yes, sir; I didn't come here for a laugh, though.

Q. When did you last see him, Mrs. Kelly? A. Three weeks ago.

Q. Where was he when you last saw him? A. In the house.

Q. Where has he left that? A. I can't tell you.

Q. Where did he go to? A. I could not tell you.

Q. Did he say anything when he was leaving? A. No, sir.

Q. Did he take any baggage with him? A. No, sir.

Q. Have you heard from him since he left? A. No, sir.

Q. Is he living? A. Yes, sir.

Q. How do you know? A. I suppose so.

Q. Do you only suppose so? A. Yes, sir.

Q. Then why did you swear he was living if you did not know anything about it? A. If he was dead I would hear of it.

Q. How would you hear if he was dead? A. Somebody would tell me.

Q. How would you know, if he was among strangers? A. I can't tell you.

Q. You mean some one where he is would tell you? A. Yes, sir.

Q. Where is he? A. I couldn't tell you.

Q. You know the people around where he is, don't you? A. I don't know where he is.



Q. You know the people? A. No, sir.

Q. Why did you say you would be told by some one if anything happened? A. Well, he would tell the parties where he is.

Q. That is, if he is dead, he would tell the parties where he is? A. No, sir; he wouldn't tell if he was dead; while he would be living he would tell them.

Q. If they were strangers, and he went away somewhere? A. It don't make any difference; he would tell them.

Q. You are sure of that? A. Yes, sir.

Q. Did he go away in the day or the night? A. In the day.

Q. Did he take any baggage with him? A. No, sir.

Q. Did you know he was going away for any length of time? A. I did not.

Q. When did you get your last letter from him? A. I didn't get any.

By Mr. Goff:

Q. You mean to swear here that you do not know where your husband is? A. Yes, sir.

Q. And you have never heard where he is? A. No, sir.

Q. Anybody tell you where he is? A. No, sir.

Q. How many children have you, Mrs. Kelly? A. Six.

Q. How old is the oldest child? A. Twenty-three.

Q. Son or daughter? A. Son.

Q. Does he know where your husband is? A. No, sir; I don't think so.

Q. Does he live with you? A. Yes, sir.

Q. Does your daughter live with you? A. Yes, sir.

Q. Do they receive letters from your husband? A. No, sir.

Q. So he went away, and you don't know where he went to? A. No, sir; he did not tell me where he was going.

Q. You don't think he went to commit suicide, do you? A. I couldn't say.

Q. But you have not taken any pains to find out, have you? A. No, sir; I can live.

Q. You are satisfied he is all right, wherever he is? A. Yes, sir.

By Chairman Lexow:

Q. Have you made any search for him? A. No, sir.

Q. Or your son? A. No, sir.

By Senator O'Connor:

Q. Do you suspect where he is? A. No, sir.

Q. No suspicion in your mind where he is? A. No, sir.



By Mr. Goff:

Q. You have made up your mind to answer every question "No, sir," haven't you; isn't that the truth; isn't it? A. Yes, sir.

Q. You have made up your mind to answer "No, sir," to every question? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean that, Mrs. Kelly? A. Yes.

Q. That you are going to answer "No" to every question? A. Yes, sir.

Q. Whether it is true or false? A. I don't know where the man is; I can't say.

Q. Do you mean to say you went on the stand with the intention of answering "No" to every question that was put to you?

A. Well, any question that was put to me I could not answer it.

Q. You don't mean to perjure yourself here, do you? A. No, sir.

Q. Was the thing fixed between you and Kelly, your husband, that you should not know where he is; it was fixed, wasn't it? A. No, sir; I don't say so.

Q. Was there an understanding you should not know where he was, for the purpose of this investigation? A. No, sir; I don't know anything about it.

By Mr. Goff:

Q. Had you heard his name mentioned in the papers in connection with this investigation before he went away? A. No; not before he went away; I have not seen it.

Q. What time of the day was it he went away? A. I couldn't tell you the exact time.

Q. Was it before dinner? A. I couldn't tell you the exact time.

Q. When did you last see him, Mrs. Kelly, on that day? A. In the morning.

Q. In the morning, at breakfast? A. Yes, sir.

Q. Ate breakfast together as usual? A. Yes, sir.

Q. And he has not been doing anything for some time? A. No, sir.

Q. Living on his pension? A. Yes, sir.

Q. And on his means? A. Yes, sir.

Q. All your family breakfast together? A. Yes, sir.

Q. And he did not say anything at the breakfast about his intention of going away, did he? A. No, sir; he did not.

Q. He did not ask you to prepare his clothing for him? A. No, sir.



Q. Or pack up his traveling bag? A. He didn't take any.

Q. Then you saw him when he went away? A. Yes; I saw him when he went away; but he did not say where he was going.

Q. What direction did he go? A. I could not tell you; I did not look after him.

Q. How did you know he was going away? A. He went out and said he was going away.

Q. And you, as a wife and mother, didn't you feel curious to know where your husband was going when he said he was going away? A. Yes.

Q. Did you feel curious; did you ask him, as a good wife asks her husband, "Where are you going, James;" didn't you say that to him? A. Yes.

Q. What did he say? A. He said he was going out.

Q. You said he was going away a moment ago? A. Yes.

Q. When he said he was going away, did you not feel a little anxious about him? A. Yes, sir.

Q. Didn't you ask him what he was going away for? A. Yes, sir.

Q. What did he say? A. He didn't tell me where he was going.

Q. What did he say when you asked him what he was going away for? A. He said he was going on business.

Q. Out on business? A. Yes.

Q. Did you ask him how long he would be? A. No, sir; I did not; he went out many a time before, and I never asked him.

Q. Yes, I know; was your husband in the habit of having his meals with the family? A. Yes, sir.

Q. Did you ask him if he would return to dinner? A. No, sir.

Q. Did you ask him if he would return to supper? A. No, sir.

Q. When he did not return to dinner, did you feel a little anxious about his absence? A. Yes.

Q. Did you send out to inquire about him? A. No, sir; I did not.

Q. Did you speak to your children about their father's absence? A. Yes, sir.

Q. What did you say; what did you say to your children? A. I said I wondered when he would come back.

Q. Wondered when he would come back? A. Yes, sir.

Q. Then you knew he had gone away for some time, didn't you? A. Yes, sir.

Q. Well, that is the truth now, Mrs. Kelly; didn't it alarm you a little that he should go away for some time without any reason?

A. No, sir; he has often been away before.

Q. But he has not been away for the last two years, has he? A. Yes, sir.



Q. How many times? A. Well, summers; every summer he has been away.

Q. Where did he go last summer? A. He went to Binghamton.

Q. To Binghamton? A. Yes.

Q. And did he go there the summer before? A. No, sir.

Q. Have you friends in Binghamton? A. Yes, sir.

Q. Relatives? A. Yes, sir.

Q. What are their names? A. Mrs. Dacey.

Q. Mrs. Dacey? A. Yes.

Q. Have you visited Mrs. Dacey yourself? A. No, sir.

Q. And where did he go the summer before? A. To Bridgeport.

Q. Bridgeport, Conn.? A. Yes, sir.

Q. And visited friends there? A. Yes.

Q. Who are the friends he visited there? A. Mr. Maloney.

Q. Did you go with him the summer before to Bridgeport?

A. No, sir.

Q. Did you go with him to Binghamton? A. No, sir.

Q. You heard from him while he was with Mr. Maloney, didn't you? A. No, sir.

Q. Did you hear from him while he was in Binghamton? A. No, sir.

Q. How long did he stay in Binghamton? A. A week.

Q. How long did he remain in Bridgeport? A. Two weeks.

Q. He told you when he was going away to each of those places where he was going to? A. Yes, sir.

Q. Isn't it strange he should go away three weeks ago without telling you where he was going to this year? A. Yes.

Q. You thought it strange, didn't you? A. Yes, sir.

Q. And didn't you say to the subpoena-server, who endeavored to serve a subpoena, that they could catch him if they could? A. No, sir; I did not.

Q. What do you say? A. I didn't say anything of the like.

Q. Didn't you open your mouth at all? A. I did; I said I would not take the subpoena; it was not for me; but I did not say that.

Q. What else did you say? A. That is all.

Q. Didn't he ask you where your husband was? A. Yes, sir.

Q. What did you say to him? A. Said he was out.

Q. Didn't he ask you when he would return? A. Yes.

Q. What did you say to that? A. I said I couldn't tell him.

Q. Did he ask you how long he had been out? A. No, sir; he did not.

Q. Did he ask you anything else? A. No, sir.

Q. Didn't he ask you to tell him where your husband was?

A. No, sir.



Q. Didn't you tell him, Mrs. Kelly, that he could not get your husband? A. No, sir; I did not.

Q. Or words to that effect? A. No, sir; I never said such a thing.

Q. Didn't you say if the subpoena-server could catch you or your husband, it would be all right? A. No, sir; I never said such a thing, and I have a proof I never said such a thing.

Q. Are you telling the truth now? A. Yes.

Q. The same as you have been, since you have been in the witness chair? A. No, sir.

Q. And you have told nothing but the truth since you have been in the witness chair? A. No, sir.

Q. You believe in a hereafter, don't you, Mrs. Kelly? A. Yes, sir.

Q. And you entertain religious scruples, don't you? A. Yes, sir.

Q. Religious beliefs? A. Yes, sir.

Q. Now, with the knowledge of your religious belief, and the belief in the hereafter, you again say you have told nothing but the truth on this chair? A. Yes, sir.

Q. Well, if you can stand it, I can. A. Yes, sir.

Q. Do you know how long your husband was on the police force? A. Yes, sir.

Q. How long? A. Over 20 years.

Q. And he never rose above the rank of patrolman, did he? A. No, sir.

Q. And his pay was how much a year? A. One hundred dollars a month.

Q. That is \$1,200 a year; and your family consists of how many children? A. Six.

Q. Six children, and yourself and your husband? A. Yes, sir.

Q. Have you kept your servants, or did you do the work? A. No, sir; I have not.

Q. You have done the work of the family, Mrs. Kelly? A. Yes, sir.

Q. Do you own the house you live in? A. No, sir.

Q. Do you own any property? A. Yes, sir.

Q. Where is the property that you own? A. In Brooklyn.

Q. What property is it? A. A house.

Q. Give me the number, please? A. Two hundred and forty-one.

Q. Two hundred and forty-one what street? A. Twenty-fourth.

Q. Two hundred and forty-one Twenty-fourth street? A. Yes, sir.

Q. Is there a frame or brick house on there? A. A frame house.



- Q. Do you own any other property? A. No, sir.
- Q. Is that the only property that you own? A. Yes, sir.
- Q. How much did you pay for that, Mrs. Kelly? A. Seven thousand dollars.
- Q. Seven thousand dollars in cash? A. No, sir.
- Q. How did you pay for it? A. I belonged to the building association.
- Q. What building association? A. In Brooklyn.
- Q. What is the name of it? A. The Cooperite (cooperative) right at Twenty-fourth street and Third avenue.
- Q. The Cooperite Building Association? A. Yes, sir.
- Q. Twenty-fourth street and Third avenue? A. Yes, sir.
- Q. Is the house all paid for, Mrs. Kelly? A. No, sir.
- Q. How much is paid on it? A. Two thousand dollars, there might be; I can't positively say.
- Q. As near as you can recollect? A. Yes, sir.
- Q. Is that all the real property you own? A. Yes, sir.
- Q. Has your husband any real property, any real estate? A. No, sir.
- Q. When did you commence to pay in on that? A. About four years ago, to the best of my opinion.
- Q. Four years ago? A. Yes, sir.
- Q. You have a bank account? A. No, sir.
- Q. Has your husband a bank account? A. No, sir.
- Q. Have you got any bonds, Mrs. Kelly? A. Sir?
- Q. Haven't you a savings bank account? A. No, sir.
- Q. Did you ever have one? A. No, sir.
- Q. Nor your husband? A. No, sir.
- Q. Nor any of your children? A. No, sir.
- Q. Have you got any United States bonds? A. No, sir.
- Q. Or any certificate of deposit in a trust company? A. No, sir.
- Q. Or your husband, to your knowledge? A. No, sir.
- Q. Your husband never brought in any money to you except \$100 a month? A. Not at all.
- Q. What? A. No, sir.
- Q. That is the only money he brought in to you? A. That is all.
- Q. And of course it is natural to expect he kept a little of it for his personal expenses? A. I suppose so.
- Q. How much did he give you? A. He gave me enough to live on.
- Q. About; averaging? A. Yes; my family is all big and able to help me, too; they are not small; my son is on the police; they



are all grown up children; I am not dependent, exactly, on Mr. Kelly.

Q. You have a son on the police? A. Yes, sir.

Q. That is your oldest boy? A. Yes, sir.

Q. How long has he been on the police? A. Nine months—eight or nine.

Q. What is his Christian name? A. James P. Kelly.

Q. And you say that, so far as you have any knowledge, your husband has no property? A. No, sir.

Q. Of any kind? A. Only what I told you.

Q. I am asking you now, he has no property of any kind? A. No, sir.

Q. Or moneys? A. No, sir.

Q. Or bonds, or real estate, or mortgages? A. No, sir.

Q. He owns nothing? A. No; naught but that.

Mr. Goff.—That is all, Mrs. Kelly.

Chairman Lexow.—That is all; the next witness.

Mr. Goff.—I don't wish to go into an inquiry of Mrs. Kelly's property, except for the fact that inasmuch as there has been so much testimony before this committee, touching the amount of money collected by Officer Kelly, it is a material question where that money went, whether it stuck with Kelly, or went beyond him.

Chairman Lexow.—Only, I should think, because if the evidence shows, as it does here, that Kelly has not got anything, it would seem to imply it went higher.

Charles W. Miller, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your trade, Mr. Miller? A. I am a salesman for an electric concert; Mr. George A. Haggerty is the firm I represent.

Q. Now, will you please think that we all have to hear you, and it will save us a little labor if you will be good enough to raise your voice; Mr. Miller, did you ever make application for appointment on the police force? A. Yes, sir.

Q. How long ago? A. I think it is about four years ago.

Q. To whom did you make the application—any particular commissioner? A. Commissioner John McClave.

Q. Did you pass your civil service examination? A. Yes, sir.

Q. And do you remember what rating you got? A. The first examination I went through I passed at 81.40 per cent.

Q. And did you pass your physical examination successfully? A. Yes, sir.



Q. Now, did you pay any money to any person? A. Yes, sir.

Q. To whom did you pay money? A. To Captain Warts.

Q. Captain Warts? A. Yes.

Q. How much did you pay Captain Warts? A. Three hundred and fifty dollars.

Q. What did you pay him that money for? A. For getting me a position as patrolman on the police force.

Q. To get the position of patrolman on the police force? A. Yes.

Q. Did Captain Warts say to you that—well, I ask you to say what he said; I won't put the words in your mouth? A. I was recommended to him by another man, and he told me it was necessary for a man to get on the force.

Q. Captain Warts? A. Yes.

Mr. Nicoll.—As I understand it, Captain Warts is dead; he died the other day.

The Witness.—Yes, sir.

Mr. Nicoll.—Under such circumstances, will the committee take such evidence?

Chairman Lexow.—It is a part of the system. We are not attacking individuals here; we are ascertaining systems.

Mr. Nicoll.—Does not the propriety or impropriety of taking conversation with a dead man suggest itself to the committee?

Chairman Lexow.—It would be incompetent in a legal proceeding, but it is perfectly competent here.

Mr. Goff.—It is unfortunate if we should have to be debarred of our rights by the hand of Providence taking away the life of Captain Warts; the evidence remains the same.

Q. Repeat what Captain Warts said to you? A. He told me it was necessary for a man to get a position as patrolman, that you would have to put up some money; I asked how much; he said, \$350; not only Captain Warts, but several other men said the same thing, and I—

Q. When you speak of several other men, do you mean other men applying for the position of policemen? A. Policemen.

Q. Do you know any? A. Well, I don't know that I can call any particular ones; there is one that was in police headquarters; he is also dead.

Q. I beg your pardon? A. The gentleman who was in police headquarters is also dead; he is the one that gave me the most points in regard to police appointments.

Q. What was his name? A. George Richards.

Q. George Richards? A. Yes.



By Chairman Lexow:

Q. Was that the secretary? A. Yes; of the commissioner.

Mr. Nicoll.— Who was he?

Mr. Goff.— George Richards; the secretary of Mr. McClave.

Q. You say it was he that gave you the most points in regard to appointments? A. Yes, sir.

Q. Do we understand directly he told you it was necessary to have his money put up? A. I can give you the conversation.

Q. Give us the conversation? A. He told me if I did not put up any money, I would never get the appointment, and if I did get the appointment I would pass through.

By Senator Bradley:

Q. Put up the money? A. Yes, sir; put up the money, I would pass through any civil service examination, or any other examination, and would be appointed; and he furthermore said if a man put up the right amount of money, that he would pass if he had only half a lung.

Q. Half a lung? A. Yes, sir; that is his words, not only once, but he repeated it twice.

Q. Was it Mr. Richards that recommended you to Captain Warts? A. Well, he said some good man, and he did not say, particularly, Captain Warts, but he said some good man, and I was acquainted with Captain Warts and went to him for advice, and he said he thought he could fix it for me.

Q. For the amount of money mentioned, \$350? A. Yes; \$350 was supposed to be the stated amount everybody paid to go on the police.

Q. Was that before you made out your application? A. No, sir.

Q. After you made your application? A. After our application papers.

Q. Was it before you passed your civil service examination? A. Yes; before.

Q. After you had your interview with Captain Warts, how shortly after did you give the money? A. I suppose about three weeks.

Q. Do you remember in what shape you gave the money? A. I gave it to him in bills.

Q. In bills? A. Yes, sir.

Q. Did he make the request to you about the money being given to him in bills? A. Well, yes; he wouldn't take no checks.

Q. He said so? A. Yes, sir.



Q. May I ask you now, Mr. Miller, how did you obtain the money; did you have it in the savings bank? A. I had some of it, and some of it I borrowed.

Q. Would you object to telling us the name of the man you borrowed it from? A. I would rather not.

Mr. Goff.—I won't press the question.

Chairman Lexow.—Does it implicate anybody?

Mr. Goff.—No, sir; it is only to show the circumstantial corroboration of the witness.

Chairman Lexow.—Unless he has got very strong scruples, inasmuch as both of these individuals are dead, I would bolster up that testimony by the name.

By Mr. Goff:

Q. Under the suggestion of the chairman I deem it better to call upon you for the name? A. I got it from an uncle of mine on Long Island.

Q. What is his name? A. Benjamin Tine.

Q. And his place is on Long Island? A. At East Williston, Long Island.

Q. Williston? A. Yes.

Chairman Lexow.—I don't see that that testimony implicates anybody. He has a right to borrow from anybody.

Mr. Goff.—Not at all; I did not intend it should, so far as my question was shaped, but for substantial corroboration of this witness' testimony.

Q. After you obtained the money, you say you delivered it to Captain Warts? A. Yes, sir.

Q. What did he say when you delivered it to him? A. He said just as soon as I got my shield he would then take charge of the money and pass it to the right parties.

Q. Did he say who the right parties were? A. He did not; but Mr. Richards told me the way the money went; that the party that took the money got \$25; it was then paid to the second party, who got \$25; he paid it to the commissioner, who got \$300; that was Mr. Richards' statement of the case.

Q. That is, let us understand that; Mr. Richards stated to you that of the \$350 you paid, the party who received the money got \$25 of it? A. Yes, sir.

Q. Then there was a second party, through whose hands it would go before it reached the commissioner? A. Yes.

Q. And he would get \$25? A. Yes.

Q. And that would leave \$300 for the commissioner? A. For the commissioner.

Q. What commissioner? A. McClave was the one I went to.



By Chairman Lexow:

Q. Did he say the money was going to McClave or to a commissioner? A. He did not say.

Q. What did he say about that? A. It went to a commissioner.

By Mr. Goff:

Q. To the commissioner; had you been talking about any commissioner? A. No.

Q. Did Richards understand from any conversation that you had with him that you had made the application to Mr. McClave? A. He knew that pretty well.

Q. So when the commissioner was spoken about, was it not the commissioner to whom you made the application? A. Supposed to be; yes, sir.

Senator Saxton.—Will you find out who Mr. Richards is?

Mr. Goff.—Yes, sir; he was secretary for Mr. McClave.

Q. After you passed your mental and physical examinations, Mr. Miller, did you receive your appointment? A. No, sir.

Q. Did you make any inquiries as to why you did not receive your appointment? A. Yes, sir.

Q. Of whom did you make your inquiries? A. I made inquiries of Mr. McClave, personally.

Q. Himself? A. Yes, sir.

Q. What did you say to Mr. McClave? A. Well, I told him I had come down for the appointment; and he took my record and looked over it to see what it was; that is the last time; you remember I had been twice through the examination.

Q. Give us the first time? A. The first time my name never reached headquarters.

Q. How did you find out your name never reached headquarters? A. Through the commissioner.

Q. You went and saw Commissioner McClave yourself? A. I saw Mr. McClave and Mr. Grant.

Q. Or Mr. Grant? A. And Mr. Grant.

Q. And Mr. Grant is Mr. McClave's personal secretary? A. Yes, sir; he was at the time, and he is now.

Q. He succeeded Mr. Richards? A. No, sir; Mr. Richards was an under secretary, as I understand, to Mr. Grant, as he has held the position as secretary.

Senator Saxton.—Inquire in this connection, at the time he saw McClave, whether he said anything about the payment of money.

Q. The first time you saw the commissioner in reference to the application, was there anything said between yourself and the



commissioner in regard to your having paid the money? A. No, sir.

Q. Was there anything said between yourself and the commissioner at any time relating to your having paid the money? A. No, sir.

Q. You never said anything to him about it? A. No, sir.

Q. Might I ask why you did not say to him you had paid the money? A. It was supposed to be a law that if you paid money you was bribing, and bribe-giver and bribe-taker are supposed to be equally guilty.

Q. Did any one suggest to you not to talk to the commissioner about having paid money? A. No; I knew that of my own knowledge.

Q. Now, the first time that you talked to the commissioner he said, as I understand you, your name had not reached headquarters? A. I wrote a letter to him; there has been a party came to see me who claimed to be a man from headquarters; he said he was hunting for me for three days, and finally he located me, and he said he had been sent from headquarters; that if I wanted to get on the police force, I would have to put up so much money, so I told him I did not know who he was, and he said he was from headquarters, and put his hand in his pocket, and brought out a shield.

Q. A policeman's shield? A. Yes; but he carefully put his thumb over the number, so I could not get it.

Q. He put his thumb over the number of the shield so you could not see it? A. Yes, sir; that was the first examination I went through; and I went through an examination a second time, through the whole paraphernalia again.

Q. Let me ask you, after your first interview with Commissioner McClave, I understand you, he told you your name had not reached police headquarters? A. Yes, sir.

Q. What next did you do toward getting your appointment? A. I had to wait until the time expired, which is one year, and then I made a new application.

Q. Did you see Captain Warts in the meantime? A. The second time is the time I put up the money with Captain Warts, not the first time.

Q. Not the first time? A. No, sir.

Q. The second time? A. Yes.

Q. The first time you did not put up any money? A. No, sir; Mr. Grant saw me, and I asked him if I would be required to put up any money, and he told me no, as I had known Mr. McClave a number of years before he was commissioner, and was acquainted with his family, I would not be required to put up any money.



Q. That was your first application? A. The first; yes, sir.

Q. And it was after you found your name did not reach headquarters at all, that you went to Captain Warts? A. Yes; then Mr. Richards told me the reason why my name did not reach headquarters.

Q. What was the reason? A. Because I had no money up.

Q. Because you had no money up? A. Yes.

Q. And the year had elapsed from the time you made your first application? A. Yes, sir.

Q. And it was after Mr. Richards' communication to you, that you went to Captain Warts and put up the money? A. Yes, sir.

Q. How long a time elapsed; you passed a second examination, did you? A. Yes.

Q. And the second physical examination you went through all right? A. Yes, sir; I got a percentage of 85.76.

Q. And what was the minimum percentage that you could have got within the rule? A. Seventy.

Q. Well, Mr. Miller, did your name reach headquarters on the second application? A. Yes, sir.

Q. And what about this man visiting you from police headquarters? A. That was on the first; he came there, and said he had been sent from police headquarters, that if I wished to be appointed within 30 days, that if I would put up the required amount of money, that I could get it; I told him he was a stranger; I didn't know him, and I asked him to whom I should put this money up; he said give the money to him; I said, "I don't do business that way; you are a stranger to me;" he said, "It is all right;" I said, "I do not know whether it is or not;" he said this, he would meet me a certain night at a cigar store on Ninth avenue, which he said was kept by a friend of his, and that I was to go and meet him there, and have the money to pay down — \$350; then I told him, all right, I would meet him, and I suggested to him this way, that he select a friend and I would select a friend, and let the two select a disinterested party; he agreed to that, and at the time when I went there to the avenue, I took a friend along, because not knowing the man, I did not know what game might be played; I took the precaution to take a friend along, and, of course, the friend did not know what I was going for, or the purpose, or anything else; I only took him along as company, and when I went there the man did not show up, and that ended it.

Q. That ended that transaction? A. Yes.

Q. Now, we come to the time when you put up the money to Captain Warts; did a year elapse on the second application without your hearing anything of your appointment? A. Oh, no; I heard that my name was — I was notified that my name had



reached headquarters; I was on the eligible list, and that if I would come down I would get the appointment.

Q. Did you go down? A. I did.

Q. Was that a written notice you received? A. I think it was; yes, sir.

Q. And by whom was it signed? A. It was signed by Mr. Phillips, secretary of the civil service.

Q. Now, in response to that notice, did you go to headquarters? A. I did; yes, sir.

Q. And who did you see at headquarters? A. Commissioner McClave and Mr. Grant.

Q. Did you have a conversation with them? A. I did.

Q. Did you have the notice with you that you received? A. I did not.

Q. Did you tell him about receiving the notice? A. Yes, sir.

Q. Tell us the conversation you had with Mr. McClave? A. I went into the office, and the first one I met was Mr. Burns, I believe; I believe that is his name; I am not sure; I gave him my name, and he handed it to Mr. Grant.

Q. And Burns is an officer there? A. Yes, sir; he handed it to Mr. Grant, and Mr. Grant asked me what I wanted; I told him I had received notice that I was appointed, and came down to see the commissioner; Mr. Grant wanted first to know what my age was; I told him I was 33; and a few other questions; I don't remember what they were; and finally he wound up by saying it is a pretty hard job to get on the police force now, and finally I was admitted to the commissioner's room; I stated my case, and he picked up the list and looked over it; finally he says, "Well, I can't appoint you;" I says, "Why is that, Mr. Commissioner;" "Well," he says, "I have appointed my share, and there is about 30, I think, if I remember right, about 30 of my friends that I have left off;" he said, "Besides that, you are a civil service man."

Q. You was a civil service man? A. Yes, sir; I said, "I beg your pardon; I put my application in the civil service simply because you were away, and I wanted to get in a certain examination; it was understood with Mr. Grant that I was to act through him;" "Well," he says, "that is a different thing;" so he says, "Well, I am sorry, but I can not do anything for you;" and he says, "You will have to make another application;" "Well," I said, "I think it is useless;" he says, "Why;" I said, "This is the second time I have made application, and don't get any further, much, than I did before;" he wanted to know the reason why; I told him I supposed the reason was the same reason I did not



get this; I did not know what it was; and so then I bid him good day, and walked out.

Q. Did you make a third application? A. No, sir.

Q. Did you have any conversation with any person in police headquarters about any additional sum of money? A. No, sir.

Q. With whom did you have that conversation? A. I don't know who he was; he was an officer in uniform.

Q. An officer in uniform? A. Yes, sir.

Q. Was this the same day you talked with Commissioner McClave? A. Right after I came out of the office; he followed me out of the office.

Q. He followed you out of Commissioner McClave's office? A. Yes, sir; out of the general office; you know how Commissioner McClave's office is arranged; you know it is a retinue of offices.

Q. A suite of rooms? A. Yes, sir.

Q. What did he say to you? A. He caught me by the arm and wanted to know if I wanted that appointment very bad.

By Chairman Lexow:

Q. Who caught you by the arm? A. This officer; he had no hat on; dressed in a blouse.

By Mr. Goff:

Q. It has been suggested to me, do you remember whether he had gold braid on, gold stripes? A. I didn't pay particular attention.

Q. You are sure he had a uniform on? A. Yes, sir; he had a blouse, and shield, and brass buttons; he took me by the arm and asked me if I wanted the position very bad; I told him if I did not I would not have come in from the country two or three times; he asked me if I had \$150 in my clothes; I said to him, "What do you mean; ain't what I have got enough;" he says, "That is all right, but it costs something to get on the police force now;" "What do you mean; make it \$500;" he says, "That is about the size of it;" I says, "No, I have not got it;" he says, "Can you get it;" I said, "When;" he said, "In about two hours;" and I said, "I don't think I can; and what is further, I would not give \$500 for the position, anyhow."

Q. When you said \$500 to him, did he express any surprise at all? A. Not at all.

Q. Did you tell him you had paid \$350? A. Yes; he seemed to know it.

Q. And you refused to make it \$500? A. Yes, sir.

Q. And that is the whole of your experience trying to get on the New York police force? A. Yes, sir.



Q. You have never received any of your money back, I presume? A. Oh, yes; I got it from an honest man, I think.

Q. Who gave you the money back? A. Captain Warts.

Q. He gave you the whole of the money back? A. Yes, sir.

Q. Was that after your last visit to headquarters? A. Yes; he said it was, using his own words, "It is a damned shame that cripples and such as that could get on, and American men could not get on."

Q. Who said that? A. Captain Warts.

Q. "It was a damned shame cripples could get on, and American men could not get on?" A. Yes, sir.

Q. He returned you the money? A. Yes; he went down to see what he could do, and gave me the money the next day.

By Senator Bradley:

Q. Where did you live at that time? A. Hyde Park, Long Island.

Q. And you made application to get on the police of New York? A. When I made the application, I only moved out for the summer; I was working at the time for John Rothschild, of Floral Park.

By Chairman Lexow:

Q. When you saw Commissioner McClave the last time did you have any conversation with him about the amount you paid? A. No, sir; not at any time.

Q. No reference at all? A. No, sir.

Q. Why didn't you speak about it, about your having paid the money to appoint you? A. I did not think it was necessary to say anything about it; I felt disappointed.

Q. Didn't you say to him, "I have paid my money, why don't I get the appointment?" A. I did not.

Q. Did you know any reason for not doing it? A. No; I haven't any particular reason that I know of; I simply asked the reason why I could not, and he told me, and I did not press him any further.

By Senator Saxton:

Q. This person that followed you out, did you see him in the room? A. No, sir; I did not.

Q. You did not know where he came from? A. No.

Q. Did you know he came out of Mr. McClave's room? A. I couldn't say that either; he came out of the offices where they go to Mr. McClave's office.



Q. Where did you first see him? A. Right at the entrance; you know, when you go in, you go in a long lobby, and then you go in where Mr. Gott, the treasurer's office is, and Gott is on the right-hand side, and then there is a general office in front of you, and you turn to your left in Mr. Grant's room, and Mr. Burns sat in front of you, and you go into Mr. Grant's room, turn to the right, and to Mr. McClave's room.

Q. Where was you? A. I was in the lobby, coming out into the main hall; he came out of the wicket door that swings there, and caught me by the arm.

By Senator Cantor:

Q. Mr. Gott sits in the outer room of the suite of rooms in which Mr. McClave's room is? A. Yes, sir.

Q. Do you think you would be able to recognize this man if you saw him again? A. I don't know; I did not pay much attention; he angered me, and I got angry with him.

By Senator Saxton:

Q. Did he make a statement? A. I made a statement if I had a witness there I would make it pretty warm for him.

By Senator Saxton:

Q. I want to ask you a question: Did I understand you correctly, that when you first put up your money, you understood \$25 went to one man, and \$25 to the other, and \$300 to the commissioner? A. To the commissioner; that is what Mr. Richards told me.

Q. And by the commissioner you understood Commissioner McClave? A. That is the one I applied to.

Q. When did you talk with Commissioner McClave — did you believe, at that time, Commissioner McClave had this money? A. What would you naturally suppose?

Q. If you labored under that belief, why wouldn't it be very natural for you to ask Mr. McClave why it was you did not get your appointment, after he got your money, if you believed that? A. I done the business through another party.

Q. At that time, did you have any delicacy about it? A. I was given to understand the commissioner received no money until the appointment was made; that is what I understood, according to what Captain Warts told me.

Q. You did not suppose the commissioner had your money at that time? A. Not at that time; it was held in abeyance by Captain Warts.



Mr. Goff.—He gave as a further incident, he understood it was a case of bribery, and he was not to talk about it.

Chairman Lexow.—That did not appear to us to be a good reason. If he said he thought the commissioner knew of it, and had received the money there would be no delicacy in asking about it.

Mr. Goff.—If the transaction took place between the two men that would be true. The difficulty was the transaction did not take place between himself and the commissioner directly, but between himself and Captain Warts.

The Witness.—And another thing. We were not alone in the room; there were two gentlemen standing in there; I don't know who they were, in the commissioner's room.

By Senator Saxton:

Q. You understood this money was to be kept, that is, until the appointment was finally made? A. Until I got my shield, and then was to be turned over.

Q. And it was not until then the division was to be made? A. Yes, sir.

Q. Did you understand that from Captain Warts? A. Yes, sir; and also from Mr. Richards.

Cross-examination by Mr. Nicoll:

Q. The question is your belief at the time there was any agreement to receive money in consideration of your appointment on the police—did you believe that? A. What is that?

Q. Did you believe Mr. McClave was a party to an agreement to appoint you for money? A. That was an understood thing.

Q. Did you believe that? A. I did.

Q. Why didn't you say to Mr. McClave—why didn't you mention that fact to him? A. I did not think it was necessary.

Chairman Lexow.—He said there were two others in the room.

Q. You believed that he was a party to this agreement? A. I suppose he was.

Q. You never mentioned that fact? A. No, sir.

Q. And you were not appointed? A. No, sir.

Chairman Lexow.—On the contrary, he said he would not appoint him.

Mr. Nicoll.—That he could not appoint him.

Q. Now, I understand you to say you asked Mr. Grant, Mr. McClave's secretary, whether money was necessary to get on the force? A. Yes, sir; that was the first time.

Q. He never stated it was necessary? A. He said no, it would not be necessary in my case, as I knew Mr. McClave.



Q. He never told you it was necessary at any time, either the first or second application? A. No, sir.

Q. Mr. McClave never told you any such thing, did he? A. No, sir.

Q. So that the only person that told you any such thing was a man named Richards, who is dead? A. Yes, sir.

Q. And the transaction you had with a police captain who is dead? A. Well, that is not my fault; yes, sir.

Q. No; that is a fact? A. Yes.

Q. If you have sworn to anything false in regard to Richards or the captain, you know you can not be prosecuted for perjury? A. I know I can; yes, sir.

Q. Because they are dead and can not swear to it? A. I did not speak of it with that in mind.

Q. You know that is a fact, they can not swear against it; you are conscious that you are swearing, and with no living witness to swear against you? A. Yes, sir; I was brought here to tell the truth, and am trying to do so.

Q. In telling your story you are conscious of the fact that there is no one living to contradict you, are you not? A. Yes.

Q. That is in your mind? A. Yes, sir; I know that.

Q. When did you tell your story to the counsel for this committee? A. I have never spoken to the counsel of this committee at all, sir.

Q. To whom did you tell it? A. The only one I ever spoke to was Senator Judson Lawson.

Chairman Lexow.—The Assemblyman?

The Witness.—The Assemblyman; exactly.

Q. Assemblyman Lawson? A. Yes, sir.

Q. Is he a member from this city? A. I believe he is; yes, sir.

Q. When did you tell Assemblyman Lawson?

(Objected to as immaterial, and as already ruled upon by the committee.)

Mr. Nicoll.—It is one of the most unjust rulings made by this committee.

Chairman Lexow.—The objection is sustained.

Mr. Nicoll.—There is not a court of justice, there is not a tribunal of any kind, in any land, where the means by which the witnesses are finally brought upon the witness stand, may not be proved upon cross-examination.

Mr. Goff.—No, sir; that is not true.

Mr. Nicoll.—There never was a tribunal except those where the cross-examination was admitted, and where you were refused permission to ask the witness to whom he told the story, and the circumstances under which he came before the tribunal.



Chairman Lexow.— We laid down the proposition here when we started that, inasmuch as this was an extraordinary inquiry, the secret as to the source of information should not be seen; it would be inexpedient to go into those sources, and handicap the counsel. I do not think that the testimony of this witness is going to be destroyed by any such inquiry; if it was, I think he is a fair witness. I think he has intended to tell the truth, and I do not see that result of inquiry on that subject would affect the judgment of this committee; at least, it is mine.

Mr. Nicoll.— I think it should be known, the source of his inquiry. Does the committee refuse to permit me to go on in this line?

Chairman Lexow.— Yes.

By Senator Bradley:

Q. Before you go, I want to ask you one question; the counsel for the police board put the question to you that you know you can not be prosecuted for perjury, these parties being dead; if the parties were living, would you give the same testimony you would give here to-day? A. Yes, sir.

Q. In their presence? A. Yes, sir.

By Mr. Goff:

Q. Were you in any manner, shape or form influenced by the fact that Captain Warts was dead and that Richards was dead, in giving your testimony here to-day? A. Not at all; no, sir.

Peter A. Prial, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Officer Peter Prial, is that it? A. Prial.

Q. To which precinct are you attached? A. Nineteenth.

Q. Under what captain? A. Schmittberger.

Q. That is the Tenderloin? A. It is.

Q. How long are you on the force? A. Four years and seven months.

Q. To whom did you give the \$150 you borrowed from Mr. Horton, when you were about to be appointed? A. I never borrowed a cent from Mr. Horton.

Q. Do you know Mr. Horton? A. Yes, sir.

Q. What business is he in? A. Commission business.

Q. Have you been talking to him since you have been subpoenaed here? A. No, sir.



Q. Did Mr. Horton ever give you a check? A. Never.

Q. For any purpose? A. Never.

Q. Do you remember going to a grocery store with Mr. Horton when you were about to be appointed? A. I think I did.

Q. What grocery store was it? A. It was the corner of Thirty-seventh street and Sixth avenue.

Q. What is his name? A. George Hoppe.

Q. Hoppe — H-o-p-p-y? A. H-o-p-p-e.

Q. Is he there yet? A. No, sir.

Q. Where is he? A. He is living retired in a place in Harlem; I don't know his address.

Q. You worked for Mr. Horton, didn't you? A. I did.

Q. What did you go to the grocery store for? A. I don't recollect now; I went there probably two or three times a week; we used to often go up there and sit down in the back room.

Q. Didn't you and Mr. Horton go there together? A. We possibly did.

Q. Don't you remember you did, as a fact, in connection with your appointment on the police? A. I may have.

Q. What purpose had you in going to the grocery store of Hoppe? A. I don't remember now.

Q. Does your memory fail you on that point? A. In that instance; yes.

Q. Are you liable to lapses of memory, officer? A. Not that I am particularly aware of.

Q. You are a fine, big, strong, healthy man, and your memory, I guess, is very good? A. It ought to be fair.

Q. Do you remember having an appointment at that grocery store to meet anyone? A. No, sir.

Q. Did you ever meet anyone at that grocery store? A. Not that I remember of.

Q. Does your memory fail you again? A. I have no recollection of it.

Q. In connection with your appointment? A. I have no recollection.

Q. Will you swear you did not? A. I will; positively.

Q. Did you ever meet an alderman there? A. Never.

Q. Did you ever hear that groceryman say to Mr. Horton, in your presence, that they did not know how to go about getting an appointment? A. Never.

Q. Or words to that effect? A. No, sir.

Q. Did Mr. Horton send a check to the groceryman by you? A. No, sir.

Q. Did the groceryman send a check back to Mr. Horton to get the money? A. Not to my knowledge.



Q. By you? A. No, sir.

Q. Did you ever cash a check for \$150 given to you by Mr. Horton? A. No, sir.

Q. Did you ever receive \$150 in money from Mr. Horton? A. No, sir.

Q. Or any other person? A. Not at one time; I might have my wages.

Q. I don't speak of that, officer; I mean in a sum of money; I don't speak about your wages at all? A. No, sir.

Q. What commissioner appointed you? A. McClave.

Q. Which of the Mr. Hortons was it that went with you to the grocery store? A. Well, I went with Mr. Al. Horton.

Q. Mr. Al Horton, Albert? A. I couldn't really say.

Q. Mr. Horton is there yet? A. Not at that place; he sold his interest in that business over five years ago.

Q. Where is he now, officer? A. I think he works a block and a half above that, at 644, for his brother; I am not really positive of that.

Q. To the best of your knowledge, officer? A. Yes, sir.

Q. You understood what you were subpoenaed here for, didn't you? A. No, sir.

Q. You heard it spoken of in the station-house about this inquiry regarding officers paying money for their appointment? A. I certainly have.

Q. Men have talked about it, haven't they? A. I suppose they did.

Q. And before that, officer, it was common talk among policemen about men having to pay for appointments on the police force, wasn't it? A. I don't know it was common talk.

Q. Did you ever hear it spoken of? A. I couldn't swear positively I did.

Q. Will you swear you did not? A. No; I would not swear I did not.

Q. Has it been a matter of common talk and common knowledge in the police force that every man has been appointed of recent years —

Mr. Nicoll.— I object.

Chairman Lexow.— You are putting the question, are you not?

Mr. Goff.— Now, will you please read the question, so far as given. (The stenographer read the question.) — had to pay for his appointment? A. No, sir.



Q. Did you never hear it? A. No, sir; that "every man" ? — no, sir.

Q. Didn't you hear a great many had? A. No, sir.

Q. Did you ever hear anything at all about it? A. I may have heard; not of any number of instances, or not the majority did.

Q. Well, the minority? A. Well, I don't know whether they did or not.

By Chairman Lexow:

Q. Have you heard it was customary, officer? A. I have heard it rumored.

Q. That it was customary? A. Yes, sir.

Q. That is part of the general system? A. Well, I don't know; I would not swear that I have heard it rumored, that it was the general rumor.

Q. But customary? A. I don't know.

By Senator O'Connor:

Q. Did you ever hear a good many had to pay? A. No.

By Mr. Goff:

Q. Did you ever hear that any had to pay? A. Not any particular case.

Q. Did you ever hear any mention of any names of anybody that had to pay for appointment? A. Not except what I read in the paper.

Q. Your knowledge is confined to the papers? A. No, sir.

Q. You could not from any personal knowledge; I do not mean that, sir; I want you to put the papers aside for the present; I want to know whether you have heard the subject spoken of in the ward-room, in the patrolman's room in the station-house? A. Well, yes.

Q. And it has been frequently talked about, officer? A. Yes.

Q. And it has been talked about among them that the new men had all to pay? A. I don't know it was, no; not common talk; they seldom ever speak of that; I very seldom ever heard them speak of it.

Q. You have heard them speak of it? A. Occasionally, I may have.

Q. Don't say you might unless you are sure.



By Chairman Lexow:

Q. You know whether you did or not? A. Yes.

By Mr. Goff:

Q. And since this investigation commenced, officer, you have heard a good deal of talk in the patrolman's room? A. No; not a great deal.

Q. You have heard it spoken of? A. I certainly have.

Q. You mean to say the police are indifferent to this investigation and do not talk about it? A. I do not know that they are.

Q. They are much interested, isn't that the truth? A. I presume they are.

Q. Don't you know they are? A. Well, no; I don't know whether they are or not.

By Chairman Lexow:

Q. Are they not just as much interested as the citizens at large in getting rid of blackmail, and things of that sort, if they do exist? A. Yes, sir; I presume they are.

Q. And don't they discuss the subject in the ward-room? A. Occasionally.

Q. And are you not, as officer of the force, as anxious to see money is not given for appointment? A. Yes, sir.

Q. You have discussed that question, too, have you not? A. We have.

Q. And you all think it is a shame, don't you? A. Certainly.

Q. And ought to be removed, if it can be; and in the course of your conversation you have discussed the frequency in which appointments have been made for money considerations? A. I don't know the frequency; I could not recall the particular instances.

Q. The instances are many? A. Yes.

Q. Without being able to recall special ones; isn't that true? A. That is true.

By Senator O'Connor:

Q. Haven't you also discussed the question that it is an outrage to require members to have party preferences to be appointed? A. I have no doubt we have.



By Mr. Goff:

Q. Haven't you also discussed the question that it was an outrage that these men who are appointed should pay for their promotion? A. Would you mind repeating that question?

Q. Isn't it also considered an outrage among your brother officers that good officers should have to pay for promotion?

A. We certainly should.

Q. You all believe men should be promoted on their merits?

A. Yes, sir.

Q. And that subject of men having to pay for promotion has been talked about, too? A. I presume it has.

Q. Now, since this investigation commenced, you have read about some police officers being examined here? A. I have.

Q. And that subject has been spoken of in the patrolman's room? A. It naturally would.

Q. As a matter of fact, it was? A. Yes, sir.

Q. Now, if you will keep up your voice, and just imagine you are chasing some boys around the corner, we will all hear you; now, officer, was not there special talk, a subject of special conversation about the testimony of the officers who were called here, who were alleged to have paid \$300 for their appointment?

A. I do not recall there was special talk; no.

Q. Don't you recall hearing any conversation about any officer that was examined here? A. No particular one.

Q. About some? A. No, sir.

Q. Does your memory fail you on that point? A. I don't think so.

Q. Do you remember the officer who testified here, that he would be considered a squealer if he gave the thing away about having to pay for an appointment, do you remember that?

A. I do not.

Q. Did you hear that spoken of in the station-house? A. No.

Q. Is this the first time you have heard about it? A. It is.

Q. And, as a matter of fact, the man would be called a squealer? A. He might; I don't know he would; I never heard the case he was called upon.

Q. You never had seen a case where a man squealed, is that it? A. In that case; no.

Q. And it is the rule and custom among the men not to squeal, officer? A. It is.

Q. And you are not going to commence it, are you? A. I have nothing to squeal.



By Chairman Lexow:

Q. In discussing, officer, this question of securing appointment for money, did you also, or have you heard discussed the question of securing, by means of financial considerations, appointments, although men were undersized or under weight? A. I don't know that I have.

Q. Don't you know it has been done on the force here, that men, although under the standard size, and under the standard weight, have, for financial considerations, been appointed upon the force? A. I could not tell you, from personal experience; I know I do not come under that.

Q. I understand that; but you have heard it discussed in the ward-room? A. I can not recall a case where I have heard it discussed.

Q. Isn't there an understanding on the force that that is done at times? A. I do not know from my own knowledge it is.

Q. Isn't that the general understanding? A. I could not say it was.

By Mr. Goff:

Q. Officer, by the way, have you been a subscriber recently to a building fund? A. No, sir.

Q. Have you been asked? A. No, sir.

Q. Have you heard of such subscriptions? A. Not from any of the men; no, sir.

Q. You have read of them? A. I have read of them.

Q. You belong to the Mutual Benevolent Association? A. I do.

Q. Give me the name of that association? A. Patrolmen's Benevolent Association.

Q. And all the patrolmen belong to that? A. The majority; not all.

Q. Not all? A. No.

Q. No one above the rank of patrolman can belong to that association? A. Yes, sir; roundsmen; but he is really a detailed patrolman.

Q. But above the roundsman? A. No; there are none.

Q. No captain can belong to that? A. I believe that is so; not to my own knowledge.

Q. What are the dues of the association? A. Twenty-five cents a month.



Q. Twenty-five cents a month; are there any special assessments? A. I don't recollect of any.

Q. Are there any? A. Sir?

Q. Have there any been made? A. No; I don't think so.

Q. Do you know anything about it? A. No.

Q. You pay, don't you? A. I pay 25 cents a month.

Q. Are you in good standing? A. I am.

Q. Have you a pass-book? A. I have.

Q. A member's book? A. Yes, sir.

Q. Everything you pay is on that member's book? A. No; I never had it written up.

Q. You never had your payments written up? A. Not in my pass-book; no.

Q. Didn't you get a receipt? A. No, sir.

Q. You go to the meeting rooms and pay? A. I have never been there; no, sir.

Q. You send your money, I suppose? A. I do.

Q. By some brother officer? A. Yes.

Q. And will you swear you never have paid an assessment or any money outside of 25 cents a month? A. I will.

Q. Positively? A. Positively.

Q. And never been requested to pay any other sum? A. Never.

Q. And you also swear positively that you did not receive or borrow a sum of \$150 from Mr. Horton at about the time, or before the time, of your appointment? A. I positively swear that I never did, at any time.

Q. At any time? A. At any time.

Q. Or from any other person? A. Or from any other person.

Q. That you never paid out, obtained, or were presented with a sum of money at or about the time of your appointment? A. Never.

Q. Of any kind? A. Of any kind.

Q. Or shape or form, or any amount? A. Or any amount.

By Senator O'Connor:

Q. Would not the great mass of patrolmen on the force like to have it be understood that men in the position of patrolmen would be advanced on their merits? A. They certainly should.

Q. Without regard to political influence or money consideration? A. Undoubtedly.



Q. Haven't they discussed that? A. Yes.

Q. That it would be the proper way to protect the police force of the city? A. It would; certainly.

By Senator Bradley:

Q. You have sworn, officer, here, that you never paid any assessment, never was exacted of you, except the 25 cents a month; do you mean to give the committee to understand you did not pay assessments about election time? A. I do.

Q. Do you mean to say you did not pay any assessments for the purpose of passing the bill to increase the patrolman's pay? A. I do.

Q. You never paid any money for either of these purposes? A. Neither.

By Mr. Goff:

Q. Is it not the prevailing sentiment, following Senator O'Connor's question, is it not the prevailing sentiment of the force now, that men can not be advanced or promoted on their merits alone? A. Well, I have seen two cases where they were.

Q. And how many cases did you see where they were not? A. I did not know whether they were promoted on their merits; I had no personal knowledge.

Q. How many cases of promotion did you see that were not on the merits? A. Well, I am not a judge whether they were on their merits or not.

Q. I am not asking you that about the judge? A. I can not tell; I have seen plenty of men promoted; I don't know whether they were promoted on their merits; I don't know why they were promoted.

By Senator Saxton:

Q. Do you think it was on their merits? A. I don't know that they were.

By Chairman Lexow:

Q. Was it your judgment they were promoted on their merits or not? A. I don't know that I ever exercised any judgment in the case.

Q. Didn't you have an opinion; you say you knew of two that were promoted on their merits; now, you must have drawn a



comparison between those two and others? A. This was for meritorious work.

Q. And the others were not, according to your judgment, appointed according to merit? A. Their civil service examinations might have been superior to other men; they might have been promoted that way, if you consider that on their merits; they, probably, had been appointed on their merits, then.

By Mr. Goff:

Q. But, Officer Prial, what I ask you, when you speak about the prevailing sentiment of the force, is it not the prevailing sentiment on the force — you, as an intelligent officer, can answer this question — is it not the prevailing sentiment of the force to-day, that the greater number or part of the promotions are not upon their merits? A. I presume it is.

Q. That is the prevailing sentiment on the force to-day; and would not the force be very much better and very much improved in its efficiency, if it was the prevailing sentiment that men could be promoted only on their merits? A. It would; certainly.

Q. And be an improvement on the present condition of affairs; isn't that so? A. That is right.

Edward Kilpatrick, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. Edward R. Kilpatrick, is it not? A. Without any middle letter.

Q. Edward Kilpatrick? A. Yes, sir.

Q. What is your business? A. Builder.

Q. How long have you been engaged in that business? A. Over 40 years.

Q. In the city of New York? A. Yes.

Q. And you are well known here in the city as a builder and large contractor? A. Somewhat; yes.

Q. I think you have built a great number of houses and structures here in the city of New York? A. Yes, sir.

Q. And you have employed a large number of men in your day; haven't you? A. Yes, sir.

Q. Have you any large buildings on your hands now? A. Yes, sir.



Q. What building? A. I am building a large building on the corner of Ninety-ninth street and the Boulevard, seven-story high, about a hundred feet, and 50 feet wide; I built five tall houses in Sixty-eighth street — Sixty-eighth street now, and completed five houses fronting on Central park, on Eighth avenue.

Q. Were you engaged in constructing a large building down in the neighborhood of Broad street here not long ago? A. I built the building in Broad street, known as the "Edison," running through to New street.

Q. And any other large buildings down there? A. That is the only large building in that neighborhood.

Q. In erecting a large structure, for instance, the Edison building, you find it necessary to construct a bridge along the sidewalk for pedestrians? A. Yes, sir.

Q. That is where you are excavating underneath for the cellar, etc.? A. Yes, sir; for the vaults.

Q. And that bridge you raise several feet above the level? A. Yes, sir.

Q. In order that your men can work underneath? A. Yes, sir; stairs on each end, and a hand-rail on both sides so as to protect passengers.

Q. Now, in building the bridge down at Broad street, did you find it necessary to have a permit from the department of public works? A. Yes, sir.

Q. Did you obtain a permit? A. Yes, sir; let me just state the facts.

Q. Yes; state it your own way? A. There are two or three branches in the department of public works; I suppose any branch would cover; that is, there was one branch that gave permits for vaults and took the money, another branch called the branch of public incumbrances that granted permits at that time for the erection of bridges, and the department of incumbrances that took no money; that was a right that followed having paid for the vault.

Q. Well, now, had you to obtain a permit from any other department of our city government, except the department of public works? A. No, sir.

Q. Well, were you interfered with by any other department of our city government in constructing those bridges? A. Our men were all arrested, and the foreman and the men repeatedly were arrested, and locked up in the Old Slip station-house.



Q. How long ago is that, Mr. Kilpatrick? A. It was — I can fix the date within a day or two; the last arrest was made on the 25th day of February, 1890.

Q. And were there more arrests than one? A. I think there were three.

Q. Well, each arrest there were more arrested than one? A. Yes; the men were arrested and carried to the station-house by the police.

Q. How many men? A. One time probably seven or eight; I don't remember just the number, but I can fix it.

Q. That will do? A. Fifteen, I think, at one time.

By Mr. Goff:

Q. What became of the arrest? A. The last arrest that was made I followed the men down to the station-house, having heard of the arrest, and the men were then in the station-house under arrest for violating the city ordinance of erecting a bridge or crossing the sidewalk for excavating purposes; men that were engaged in that work; and I informed the captain — I believe it was Captain McLaughlin; I think that was the name — that I had been approached by his wardman for \$250 apiece for each bridge, and that I had been too long in the business to give any money to any public officer for any service that was not legitimate; the officer behind the desk referred me to Mr. Burns, the wardman, who was in the back room, and he came out, and said, "Hold on here; hold on here; let's go with you and see what you have got here; have you got a permit?"

Q. He said to you, "Have you got a permit?" A. "Have you got a permit? I said, "Yes;" but before this I had met Burns; he said that nobody could issue a permit, except the captain of the ward; that there was no such thing as bridges; that it was a perquisite for the captain of the ward, and that everybody paid it, and I had got to.

Q. Did he, at that time — the first time you were visited by this wardman, Burns — did he name any amount that he expected you to pay? A. Two hundred and fifty dollars apiece for each bridge.

Q. And you had two bridges? A. At that time I had the permit to erect the vaults, but not the formal permit beyond that; the department of public works had transferred from one



department to another, to the incumbrance department, the right to incumber the sidewalk, and after that the department transferred it back again, so that now, if you get a permit for a sidewalk, there is a printed form that accompanies the permit, giving you the right to erect bridges and prescribing the form and manner in which they are to be constructed.

By Senator Cantor:

Q. Both of those privileges were on the same permit? A. Yes, sir; but they were not so at this particular time.

Q. What time? A. I got a copy from the permit department this morning; finding that was on their department; that is, the department of incumbrances, not the ordinary permit for vaults; now, it is in one department instead of in two.

Q. One bureau, you mean? A. Yes, sir; in one office; one man has charge of both.

Q. Two bureaus are in one bureau? A. Yes, sir.

By Mr. Goff:

Q. We wish you would state to the Senators, to the best of your recollection, the next visit that this wardman, Burns, made to you, and where he made it to you, and all he said, and all, you said; just in your own way, state it, Mr. Kilpatrick? A. The first interview was on the premises, Nos. 42 and 44 Broad, and running through to New street; and he came along very socially and friendly, saying that "You need a permit here; you will have to erect a bridge; you can not cross the sidewalk here on a level with people passing; you must go under the bridge with your material, and you will have to get a permit for that purpose;" I had, at that time, the permit for the excavating — that is, I had a permit for the land; I had purchased the 85 cents a foot for the use of the land.

Q. From the city? A. From the city.

Q. That is the use of the sidewalk? A. The conversation was very brief, and he went away, and said, "I will see you again;" well, the next time I saw him, he said I did not come to see him; I said, "No."

Q. He said you did not come to see him? A. I said, "No; and what is more, I do not propose to come and see you; you can see me if you want to see me, and right here;" the



conversation ended in rather an unpleasantness, a little; he was supposed to be very abrupt in saying, "I will bring you to terms; Dave King is the only sucker I have any trouble with, and they will come to it."

Q. David King? A. "David King is the only sucker," and he is a prominent builder.

Q. He said, "They will all come"? A. Yes; meaning the builders.

Q. At that conversation — that is the second conversation? A. I am using the exact language of the officer.

Q. Precisely; that is the correct thing to do; was there anything said at the second visit he made to you about terms — about money? A. The same sum was repeated; there was no change from the \$250 a bridge; that was the fixed sum; it was a sum that was fixed for the erection of a bridge for any building; that is what he told me.

Q. Was it that interview or the next interview that he told you that was a perquisite of the captain's? A. Sir?

Q. He told you that was a perquisite of the captain's? A. Yes, sir; and he was the only one that could get a permit.

Q. That he, the wardman, or the captain? A. The wardman told me the captain was the only man that could give me the permit; I then went up to the department of public works, and there was a young man in charge from whom I received the receipt for the money when I paid for the vault; and I said, "What is the use of your permit here, and buying the land from the city of New York, and I can not use it; I can not even cross the sidewalk, or build a bridge?" "Oh," said he, "I will go and fix that for you," and he looked among his papers, and he said, "That is transferred to the department of incumbrances, and I will go and fix it for you;" and he went upstairs, and I waited a few minutes, and he returned with the permit from the department of incumbrances, without any charge; it ought to have accompanied the other permit.

Q. Yes? A. And when I got that I felt a little fortified; I went down and met my friend Burns in Broad street, and I felt a great deal stronger backbone; I said, "I have got a permit here that seems to be sufficient;" he said, "Let's see it;" I showed it to him; he said, "I never seen anything like that before in my life;" I said, "You are enlightened now, aren't you?" we had one arrest after that — one arrest; and when I



went — Burns when he followed me out of the station, said it was a mistake.

Q. The arrest was a mistake? A. It was a mistake; there wouldn't be any further trouble, "You won't have any further trouble;" "Go ahead," and we never had any arrest after that.

Q. During all the time from the first visit he ever paid to you, when he demanded \$250 a bridge, your men were arrested three times altogether? A. Yes, sir.

Q. And a number each time? A. Yes, sir.

By Chairman Lexow:

Q. Fifteen on one occasion? A. I think there was 15 when I went down to the station-house.

By Mr. Goff:

Q. When the men were arrested in the station-house, was anything done in the matter; were they brought to the court, or fined? A. I made a threat, saying, "I will spend my money on the New York Herald in advertising you rather than pay any blackmail."

Q. Who did you say that to? A. To Mr. Burns, the wardman.

Q. Now, I wish to call your attention to the conversation you had with Captain McLaughlin? A. That was merely — a mere word; it was just merely calling the wardman out of the room when I went in there, and stood in the court outside the rail.

Q. The railing? A. In the station-house; and when I entered there, I said, "This is a pretty piece of business, locking my men up and attempting blackmail;" I spoke the word rather emphatic; I had the paper in my pocket at that time — the second permit; and immediately I was referred to — a man was called out of the back room and took me to the door, and said, "This is a mistake, this is all a mistake; there will be no more arrests."

Q. Was Captain McLaughlin there, and was it to him you said, "This is a pretty business, this blackmail?" A. I could not swear, for I never saw him before or since, to know he was Captain McLaughlin; when I went in I asked for the captain, and they turned me over to the captain, sitting back of the desk.

Q. Sitting back of the desk? A. One of the officers on the floor.



Q. You asked for the captain? A. I don't think I would know Captain McLaughlin now if I met him.

Q. You asked for the captain as soon as you went in? A. Yes, sir.

Q. And the officer referred you to a man in uniform sitting behind the desk? A. Yes, sir.

Q. And did the officer say when he referred you—? A. "There is the captain."

Q. And it was the man to whom the officer referred you as the captain, that you said, "This is blackmail?" A. Yes, sir.

Q. And I understood you to have testified before, Mr. Kilpatrick, that you said to that officer behind the desk, that if the thing went on you would expose his wardman that tried to get money from you or approached you? A. I said, "If we are interrupted, I will spend my money advertising you to the New York Herald."

By Chairman Lexow:

Q. You said that to the captain? A. Yes, sir.

By Mr. Goff:

Q. Wasn't there something said at that time by you about having been approached by the wardman for money or for blackmail? A. I said blackmail; I don't think I named the sum of money, but I said, "This is blackmail."

Q. Wasn't it the officer behind the desk that called Burns out? A. Yes, sir.

Q. And Burns was in an inner room? A. Yes, sir.

Q. And Burns came out? A. Yes, sir; and followed me all the way up to the job, up to Broad street.

Q. And what did he say to you, following you up? A. He said, "It is all a mistake; it is all a mistake; there will be no more of this; you go right on."

Q. That was after your men were arrested? A. Yes, sir.

Q. I want to ask you, you have a large and wide acquaintance among builders in this city? A. Yes, sir.

Q. And you are well acquainted with the doings and the customs of the trade? A. Yes, sir.

Q. Isn't a common custom among the builders of this city to pay to the police department for these bridges, such as you have described?



Mr. Nicoll.— Objected to.

Chairman Lexow.— Overruled.

Q. Answer the question, Mr. Kilpatrick? A. It is the common custom, so far as I know, with other builders in the city of New York, to buy his way, both with the police and with the inspector of buildings.

Q. For everything he does? A. Yes, sir.

Q. For the occupancy of the streets with his material? A. Yes, sir.

Q. To buy his way for everything? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. Now, a question or two, Mr. Kilpatrick, if you please; as I understand the sentiment of your testimony, you felt that you had been very much outraged by the arrest of your men on this occasion; and you made use of emphatic language to the officer that you saw at the station-house? A. Yes, sir.

Q. And you said, I believe, that was in the year 1890? A. Yes, sir.

Q. Can you remember the month? A. Yes; I remember the month, from my memory being revived from the date I got to-day from the record of obtaining of the last permit.

Q. What was the month? A. It was in the month of February.

Q. You feel entirely clear in your memory that it was February, 1890? A. I don't know that it began in February, but it ended in February.

Q. Well, the rest you have been testifying? A. March and February would embrace the whole period.

Senator Cantor.— January and February?

Chairman Lexow.— No; February and March.

The Witness.— No; January and February.

By Mr. Ransom:

Q. Did you know, at that time, that my friend, Mr. Goff, was one of the district attorneys of this county? A. I knew that he was one of the assistant district attorneys in New York, but I did not know he was at that time.

Q. But you knew he had been at one time? A. I know now he has been.



Q. You did not know then he was then an assistant district attorney? A. No, sir.

Q. You did know then that there was a district attorney of this county, didn't you? A. Why, of course.

Q. Somebody was district attorney? A. Yes, sir.

Q. And didn't you know at that time that Mr. Moss — or Mr. Goff and Mr. Jerome were the district attorney's assistants? A. I never heard of Moss being in that position.

Q. I took his name out; I never did either? A. Well, I have heard of Mr. Jerome and Mr. Goff repeatedly.

Q. Undoubtedly; so we all have; but at that time, my inquiry is in February and March, 1890, did you then know that Mr. Fellows was district attorney and that Mr. Goff and Mr. Jerome were then his assistants? A. I recollect very well that Mr. Fellows was the district attorney, but I could not fix the date, and also that Mr. Goff and Mr. Jerome were assistants, but I could not now fix the period of their services.

Q. Then I understand your testimony to be that you did not, at that time, know Mr. Goff personally; you were not acquainted with him? A. I don't think I ever spoke with Mr. Goff in my life, until I did here in court.

Q. You have been deprived of an honor, I think, and I say it seriously; I have a great respect myself, for Mr. Goff; now, Mr. Kilpatrick, under this outrage upon your rights, feeling as indignant as you did at that time, as you have testified, won't you tell the committee why you did not then make a complaint to the prosecuting officer of this county, the district attorney, for relief? A. I submitted the trouble to the lawyer of Durant, the owners of the property, for whom I was building, and a very prudent, conservative lawyer, says, "You can not go on; these fellows will harass you to death, and you can not get along; you can not beat the whole police force;" then I said, "I can step out; I never bribed a man in my life, public or private, and you can have another builder, but I won't submit to any blackmail from anybody."

Q. You are a citizen of the city of New York, then, having need and occupying sidewalks in your business? A. Yes.

Q. And you never bribed a policeman? A. Never.

Q. And you never sought a policeman, or permitted him to seek you to either receive or demand a bribe for your obstruction of the sidewalk, did you? A. Never in my life.

Mr. Ransom.—I am glad to find one citizen that did not.



Senator O'Connor.— We all are; it is very refreshing.

Mr. Ransom.— It is very refreshing.

The Witness.— So it is. I can live without it.

By Mr. Ransom:

Q. You testified, Mr. Kilpatrick, positively, as of personal knowledge, and I have an idea that you did not mean it quite as strong as that, and I wish to ask you — you testified to Mr. Goff that the builders in this city were compelled to buy their way through the police and through the inspectors; I assume you meant building inspectors? A. Yes, sir.

Q. Not police inspectors? A. No, sir; I meant to say building inspectors.

Q. I suppose you meant that? A. The man located in that district?

Chairman Lexow.— I believe he did say that.

Mr. Ransom.— Did he; well, I did not catch it. I thought he meant it.

Q. Did you speak from personal knowledge in regard to the necessity on the part of builders of buying your way; or did you simply speak from hearsay knowledge? A. I speak from this knowledge, that when the inspector would come to me and say to me, "There is nothing in this for me," speaking of himself, "and I will hold you to the strict letter of the law," I had replied, "That is just what is my business, and if I vary one iota of the law, make your complaint, and I will meet it;" and the very last large building I did in New York, the inspector came to me, and said, "There is nothing in this for me, and that is why I made a complaint;" and he made a complaint, and it cost me \$60, where \$10 or \$5 would have bought him off, to defend it, and I won.

Q. I honor you, sir. A. Mr. Brady tried to avoid my having any expense; I regard him as a most honorable official — the head of the building department.

Q. Now, you have not answered my question; you meant to, but you did not; this is testimony of an experience of your own; you spoke to Mr. Goff, of the builders — every builder in New York? A. Yes, sir; I thought you asked me for my own.

Q. You said every builder in New York, and that you had a wide acquaintance with all the builders in New York, was compelled to buy his way through the police, and the inspectors;



I ask you if you give that testimony upon hearsay knowledge or upon personal knowledge; now, you have testified to your personal experience? A. Yes, sir.

Q. Do you know anything upon the subject except your personal experience? A. I have been approached by builders in my business who were working for me, and who had, among other items, a charge where they had to buy their way; I said, "What are you doing with that; you have no business buying your way with him;" they said, "We can not afford to fight things as you can; we have to submit;" and I can name you men —

Q. You see, Mr. Kilpatrick, you have answered my question in effect by saying your knowledge on that subject is what has been told you? A. Yes, sir; certainly; outside of myself.

Senator Cantor.—I suppose Mr. Brady would be very glad to have any information which affects any one of his inspectors given to him so that he may have an opportunity to make an investigation of the corrupt acts of his employe? A. I always met him in the best possible way, and any wrong was righted.

Senator Cantor.—I think that you will perform a public service, and a service to him, if you have any such information, and can procure it, and lay it before him, so that any guilty inspector can be punished.

The Witness.—I have already done that to the removal of some inspectors. Mr. Brady has always responded promptly to any complaint, and remedied, to the extent of his ability, everything in his power; that is my experience.

By Chairman Lexow:

Q. Do you know, with reference to the general custom among builders; is it the fact the poorer the builder is, the larger the extortion practiced upon him? A. Undoubtedly.

Q. The less they are able to protect themselves, the greater the extortion? A. That is my information from builders who are too poor to defend themselves.

By Senator O'Connor:

Q. That is a matter of common talk and personal understanding? A. That is a matter of information myself, because I have not been known to submit to blackmail from anybody, on any occasion and anywhere; that is what I mean.



By Mr. Goff:

Q. You were approached by the police and on several occasions, apart from the Broad street business? A. Many a time; many a time.

Q. And those policemen, were they officers on duty in the place where your building was going on? A. Yes, sir.

Q. Wardmen as well? A. I do not designate the wardman; I only knew — only I was told by this elegantly private citizen in appearance, Mr. Burns; he was dressed highly.

Q. But, if a private citizen has the income the wardman has, (the witness laughed, but did not answer).

Q. But I wish you to state to the Senators, if it has not been a thing of frequent occurrence that officers in uniform, detailed to the beats in which you were carrying on your building operations, have not asked you for money, "struck you," to use a common phrase? A. I have been arrested, as I suppose, in consequence of my refusal to pay money, and I have had the officer punished, when he brought me to the court; had the case dismissed, and the officer censured by the judge.

Q. And in such case, and in all other cases, you have found that you were subjected to trouble and annoyance, because you did not give away to the officer's demand? A. Yes, sir.

Mr. Ransom.— No questions.

Mr. Goff.— Mr. Lynch; I want to have a word with Mr. Lynch before I swear him; this is the third subpoena that has been served upon this witness, and he indulged in some remarks that are not at all creditable to him as a young man of decency and intelligence about obeying the subpoena of this committee; he is here now, and I wish him to understand he is in court until we get through with him.

By Chairman Lexow.— Why didn't you obey the other subpoena?

The Witness.— I did not know whether it was intended for me; I doubt whether the subpoena was intended for me, and I think I am here by mistake.

Q. Have you any doubt of the present subpoena having been intended for you? A. I asked him about this this morning, and he said it was intended for me personally, and so I came over.

Q. Wasn't your name on the other subpoena? A. Well, the one that brought it the other morning had Smith in, and they changed it and put Lynch on it.



Q. Your full name? A. It was James Lynch; my name is James A. Lynch, Jr.

By Senator Bradley:

Q. What name was on the face of the subpoena you got? A. James Lynch.

Mr. Goff.—I want him to be notified to remain in court until we get through with him.

Mr. Nicoll.—Do you want to intimidate the witness? I understood this gentleman to say his name was subpoenaed under James Lynch, Jr., and his name is James A. Lynch?

Mr. Goff.—He was told he was the man.

The Witness.—I can say I was told I was the man.

Q. You are addressed as shipping clerk; James A. Lynch didn't amount to anything, and Jr. don't amount to anything.

Chairman Lexow.—Do you want the witness sworn now?

Mr. Goff.—Yes; I will swear him now.

James A. Lynch, Jr., was duly sworn:

Chairman Lexow.—You understand you are under oath here, and you must not speak to anybody in reference to the testimony you may give. We will take a recess now until 2 o'clock. All witnesses here under subpoena will attend here at 2 o'clock.

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### AFTERNOON SESSION.

June 28th, 1894.

James A. Lynch, Jr., called as a witness, having been duly sworn, resumed the stand:

Direct examination by Mr. Goff:

Q. Mr. Lynch, what is your business? A. Clerk.

Q. Shipping clerk or general clerk? A. General clerk.

Q. What is the business you are engaged in? A. Liquor business.

Q. Wholesale liquor? A. Wholesale and retail; yes, sir.

Q. What is the firm you are connected with? A. It is my father's business.

Q. Mr. Lynch, do you pay out money to any person for the privilege of using the sidewalk? A. No, sir.

Q. Does your father? A. No, sir.



Q. Did you ever hear of it? A. No, sir; we never use the sidewalk.

Q. Do you pay money or have you paid money to any police officer of any kind? A. No, sir.

Q. Has your father ever ordered you to pay? A. No, sir.

Q. You make all payments by check? A. Yes, sir; unless it is some small amount or little bill or ordinary sundries.

Q. Of amounts under \$5? A. Yes, sir.

Q. But anything over \$5 you pay by check? A. Yes, sir; as a general rule.

Q. Who has charge of the check-books? A. Father.

Q. Does he sign all checks? A. Yes, sir.

Q. Do you ever draw checks? A. No, sir.

No cross-examination.

Owen Golden, 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 dealer.

Q. Where is your place of business? A. Eighty-eight Dey street.

Q. How long have you been there? A. Twenty-one years.

Q. Mr. Golden, what do you do with the envelopes you collect?  
A. I give them to the policemen.

Q. What policemen? A. I don't know, sir.

Q. How many envelopes did you collect? A. Did I collect?

Q. Yes? A. I collected, I guess, eight or ten.

Q. What block did you collect on? A. Between West and Washington streets, on Dey street.

Q. What block did Entwistle collect on? A. Between Washington and Greenwich, on Dey street.

Senator O'Connor.—Is this the gentleman Mr. Entwistle spoke about?

Mr. Goff.—Yes, sir.

Q. Who told you to do the collecting? A. Nobody; I done it voluntarily, through friendship and good nature.

By Chairman Lexow:

Q. Good nature for whom? A. I suppose — suppose to be for the captain.

By Mr. Goff:

Q. Were you related to the captain? A. No, sir.



Q. Had he ever done you any kindness? A. Never interfered with us on the sidewalk.

Q. Did you say you did it through friendship and good nature to the captain? A. Yes, sir.

Q. What captain? A. That I can not tell you; I don't know who the captain was; it is three years ago.

Q. Captain of what station-house? A. Church street.

Q. Just take your hand down; that's it; now we can understand you better; you mean to tell this committee that you did that through friendship and good nature to the captain you had never seen? A. I never saw the man to my knowledge in my life.

Q. Did you ever hear what his name was? A. Not this third captain.

Q. Is it not a strange coincidence for you to feel friendship for a man that you never had a friendship for? A. Yes, sir.

Chairman Lexow.—He gave a reason for it; he said he was not disturbed on the sidewalk.

The Witness.—No, sir; nor anybody else that I heard of, in eight or 10 years.

Q. You said you were not disturbed in using the sidewalk; and you consider, as you were not disturbed in using the sidewalk, and he treated you good in not using the sidewalk? A. Yes, sir.

Q. Weren't you talking to some police officer about it? A. What; collections?

Q. Yes. A. No, sir.

Q. Didn't you know there were collections taken up before? A. Yes, sir.

Q. That has been the custom? A. Yes, sir.

Q. Custom ever since you have been there? A. Yes, sir; nearly that.

Q. How long is it since you have been there? A. Twenty-one years.

Q. And you went around of your own free will the very first time and collected these envelopes? A. Some was collected by me and some were sent to me.

Q. Did you request the people to pay the money in the envelopes — to put it in the envelopes? A. No, sir; I did not.

Q. When you went into the merchants' houses or stores, what did you say? A. I told him the captain was going on his vaca-



tion, and I should like to have a little present for him before he went.

Q. Was there anything said to him about the amount? A. No, sir.

Q. Did you say anything to them about putting the money in an envelope? A. No, sir.

Q. The envelopes were all prepared? A. Yes, sir; when they came to me.

By Chairman Lexow:

Q. Were they sealed up? A. Yes, sir.

By Mr. Goff:

Q. These houses you visited and collected the envelopes from? A. No, sir; when they were sent to me; only the three that I collected.

Q. You collected three? A. Yes, sir.

Q. The three that you collected were they already sealed when you went into the stores? A. No, sir; they were not.

Q. Were they sealed at all? A. When they were handed to me.

Q. Were they all ready waiting for you? A. No, sir.

Q. Did you wait there until you saw the money put in them? A. No, sir; I didn't.

Q. Did he say you were to call again? A. No, sir; he did not.

Q. They were open every time you went there and they gave them to you? A. One place I was going out of the door and the gentleman handed them to me and called me back.

Q. More than one place? A. Yes, sir.

Q. In each place? A. Two out of three.

Q. In each place you announced the object of your visit? A. Yes, sir.

Q. They knew what you came for? A. Yes, sir.

Q. You told them you wished to make a collection for the captain's vacation? A. Yes, sir.

Q. Did you do that more than once? A. Twice.

Q. Did you understand Entwistle, when he got it, or collected some and gave it to you? A. Yes, sir; he was collecting in the next block and I was not.

Q. After you collected all these envelopes, who was the person who called upon you for them? A. A policeman.



Q. How do you know, or how did he know, that you had collected them? A. I do not know, except somebody told him.

Q. How long did you keep the envelopes before the call was made upon you by the policeman? A. A week.

Q. Did you know the policeman who called upon you? A. No, sir.

Q. Do you think you could identify him? A. Yes, sir.

Q. What did he say? A. He asked me if there was any envelopes there for the house?

Q. What house? A. Station-house, I suppose.

Q. You understood him to mean the station? A. Yes, sir.

Q. And you said there was? A. Yes, sir.

Q. How many envelopes did you hand over to him? A. I couldn't tell you that.

Q. Twenty? A. There may be; I can't say there was not.

Q. Was there more than that? A. I can't tell you that.

Q. You wouldn't say 20 was not the number? A. I don't remember; there may be more.

Q. Do you know how much money was in any one of those envelopes? A. No, sir; except one.

Q. How much was in that? A. Ten dollars.

Q. There was money in all of them? A. I suppose there was.

Q. You expected it; you understood from the parties that gave them to you that there was money in them? A. That was my intention at the time; yes, sir.

Q. Did you contribute to the captain's vacation? A. I did.

Q. How much did you contribute? A. Yes, sir; \$10.

Q. Is that the one you spoke of? A. Yes, sir.

Q. The one with the \$10 in? A. Yes, sir.

By Senator O'Connor:

Q. What did you say you do? A. In the produce business.

By Mr. Goff:

Q. Do you occupy the basement? A. Yes, sir; and the store also.

Senator O'Connor.— Did you think it is necessary to multiply this evidence against the extortion for the use of the sidewalk, etc. It seems to me that the evidence on that question is abundant.



Mr. Goff.—I don't think it is; except only as to this point; that is, that this witness was named by another witness as doing the collecting on another block or in another district.

Chairman Lexow.—It shows a different system.

Mr. Goff.—Yes, sir; they make collections sometimes in envelopes and here we have a man who got it alone.

Senator O'Connor.—Would it be bad policy to invite some of these citizens now with calling on all these witnesses who have been called upon and systematically bribed; I think they have been about as guilty as a police officer.

By Mr. Goff:

Q. Do you know in that district whether there were any others beside yourself and Entwistle engaged in this collecting? A. No, sir; I do not know.

By Senator Bradley:

Q. Do you mean to say that you gave that money to the policeman without knowing that policeman or without knowing what he was going to do with the money? A. I did; he asked me if I had it, and I told him I had; he asked me if I had anything for the house and I said I had and gave it to him.

Q. You felt that you were responsible for the money? A. Yes, sir.

Q. The envelope? A. Yes, sir.

Q. You collected them for certain persons? A. Yes, sir.

Q. Did you give these up to this policeman without knowing how much money was in these envelopes? A. He asked me if I had any money for the house.

By Mr. Goff:

Q. You gave it to him because he asked you? A. Yes, sir.

By Senator Bradley:

Q. Was it not the wardman that you handed them to? A. No, sir; I never saw the wardman to deliver to him any envelopes in my life.

Q. Was he the man on that beat? A. No, sir.

Q. Didn't he tell you he was sent by another person? A. I supposed he was sent there; I know they were collected.



Q. Are you in the habit of doing business as loosely as that?

A. Once in a while.

Q. As loose as that, do you mean to tell us that you, as a business man, do business? A. Yes, sir.

Q. This is your understanding as to how business is done?

A. Yes, sir; I understood all about it.

Q. It is a very strange proceeding and the strangest proceeding I have ever seen, to give money to a man you don't know.

By Chairman Lexow:

Q. Your understanding of this thing was that the captain wanted it? A. Yes, sir.

Q. You understood that this matter was to be kept quiet? A. No, sir; I didn't understand anything about it; if I had I would not have collected them and got myself into a scrape, or bothered about it at all.

By Senator O'Connor:

Q. What did you pay the \$10 for? A. For the captain; for good nature.

By Senator Bradley:

Q. Have you got any more of those \$10 to give away, because, if you have, we might want some ourselves; give me a few if you will? A. I will give you \$50 if you want it or if you need it.

By Senator O'Connor:

Q. You did this on account of good nature toward the police force? A. Yes, sir.

Q. You gave that \$10 for that purpose? A. Yes, sir.

Q. Who else have you paid \$10 to outside of this policeman or the captain for good nature and friendship? A. To many people I have lent it to.

Q. As a courtesy; is that what you mean to say that you gave it out of good nature; courtesy to the captain of the police force? A. Yes, sir.

Q. Can you name any other person to whom, out of courtesy, good nature and friendship, you have given \$10? A. No, sir; I can't name them.



Q. Your courtesy seems to be confined to police officers? A. No, sir.

Chairman Lexow.— He has already said he gave it for the purpose of not being disturbed on the sidewalk.

By Mr. Goff:

Q. You say you made two collections of these envelopes? A. In two separate years; one in each year.

Q. How far apart? A. Ten or 12 years apart.

By Senator Saxton:

Q. As you understood it, these collections were made every year? A. Yes, sir; about vacation time.

Q. There had been contributions of that kind every year? A. I understood so.

Q. Didn't you have an understanding that there were such contributions every year? A. Yes, sir.

By Mr. Goff:

Q. Is it not a matter of fact that you knew every policeman in that precinct? A. No, sir.

Q. And they frequently visited your place? A. The gentlemen on post.

Q. The gentlemen on post? A. Yes, sir.

Q. And other officers, too? A. No, sir; not that I know of; I am not there all the time.

Q. While you were there; I am speaking of your own knowledge; didn't police officers, in that precinct, visit your store, while you were there very frequently? A. No, sir; none except the gentlemen who were on post.

Q. Outside of the man that was on post? A. Not that I know of.

Q. Will you swear they did not? A. Yes, sir.

Q. Will you swear you were not visited by a score of officers from that station-house named? A. The most I know is the man on post.

Q. You were not? A. The man on that post I knew; the policeman never bothered with me at all in my life.

Q. Will you swear that you were not visited by one of the officers — wasn't there a horse named after you and didn't he see you about that horse ran? A. You must know something about me yourself.



Q. I do. A. They named a horse after me — they named two after me; one Gelden I, and one Gelden II.

Q. Didn't the policemen in that precinct know that you were interested in these horses? A. I am not interested.

Q. They were called after you? A. Yes, sir.

Q. And being their patron saint, didn't the policeman know about it, and didn't they come to you to find out something about running performances? A. No, sir.

By Chairman Lexow:

Q. Who told you first to go around and get these envelopes?

A. Nobody.

Q. Did you go around after them on your own condition; nobody told you to? A. No, sir; I went voluntarily.

Q. Didn't somebody suggest to you to go around? A. No, sir.

Q. How did you know where to go to? A. I only went to people in the same business as myself.

Q. Nobody asked you to go? A. No, sir.

By Senator O'Connor:

Q. What made you to suppose that they had envelopes to deliver to anybody? A. What's that?

Q. What led you to suppose they had envelopes to be delivered to anybody? A. These gentlemen that I went to?

Q. Yes. A. I didn't suppose they had any to deliver; I only went to them and asked for it.

Q. Why did you go to their store; did you ask them if they had envelopes to be delivered to the policemen? A. I didn't ask that; no.

Q. What did you go for? A. Only for to see if I could get anything to make the pile bigger.

Q. To make the pile bigger? A. Yes, sir.

Q. Of course, you knew where the pile was going to? A. Yes, sir; I did.

Q. And you assumed that the men in the same kind of business that you were in were obliged to pay some kind of tribute?

A. No, sir; they were not obliged to contribute; no obligation on them at all.

Q. They did that for the purpose of business? A. I suppose they did.

Q. You expected that you would raise sufficient to make this presentation? A. No, sir.



Q. What did you expect? A. I didn't expect anything.

Q. What did you do it for? A. I told you it was for good nature and friendship.

By Mr. Goff:

Q. Friendship for a man that you have never seen? A. That's right.

By Chairman Lexow:

Q. Have you spoken to any policemen yesterday or day before yesterday? A. Yes, sir; the man on post this morning.

Q. What was his name? A. Byrnes.

Q. What did you say to him? A. He told me to tell the truth, and nothing but the truth.

Q. Did you tell him that you had been going around collecting and that you were going to tell the story to this committee? A. No, sir.

Q. How did he come to tell you to tell the truth? A. He knew I wouldn't lie.

Q. Did you tell him what you had done or have been doing? A. No, sir; I told him yesterday morning.

Q. Did he know what you were doing? A. No, sir; not in the past eight or 10 months.

Q. How long did you speak to him? A. About three minutes; not over that.

Q. How did you come to meet him? A. He came around on his post in Dey street.

Q. Did he come in your store? A. No, sir; around on the sidewalk.

Q. It was in front of your store? A. Yes, sir.

Q. Right in front of the store? A. No, sir; in front of the door.

Q. He didn't come into your store? A. No, sir.

By Mr. Goff:

Q. Now, is it not a fact that all the other merchants there, business men, pay \$25, and that you were let off with \$10 on account of your making the collections? A. That I don't know; I can't say anything I don't know.

Q. Wasn't \$15 knocked off your tribute because you made the collection? A. There was nothing knocked off.



Q. Didn't all the rest pay \$25? A. Not that I know of.

Q. How did you come to fix upon \$10? A. Because that was all I could afford to spare at that time.

Q. How often did you pay \$10? A. Twice.

Q. But how did you come to fix upon \$10? A. The first, I paid it.

Q. Is it not a fact that you made these collections and that \$15 was knocked off your tribute on that account? A. No, sir; I was never talked to by anybody in my life.

Q. You said a little while ago that you were there 21 years, and that has been the custom of the merchants there? A. Yes, sir.

Q. And now you say you were never talked to? A. Yes, sir; nobody asked me for any money, and I only paid it twice in my lifetime.

Q. Then why did you answer that it was the custom of the merchants for 21 years while you have been down there? A. I heard it, sir.

Q. Are you always let off? A. Yes, sir.

Q. What did you do for the \$10, so that you were let off? A. I never done anything for any policeman.

Q. You made these collections? A. Two years; yes, sir.

Q. Was that the first service you ever done for any policemen? A. Yes, sir.

By Chairman Lexow:

Q. Didn't you know that Entwistle paid \$10 instead of \$25? A. He called on his people, and I don't know what he gave.

Q. Didn't you have an understanding with Entwistle? A. I did not know he gave an envelope until this morning.

By Senator Bradley:

Q. You say he never talked with you? A. Yes, sir; I didn't know he had an envelope in the lot that he gave me.

No cross-examination.

James Carney, 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. Liquor business.

Q. Where is your store? A. Six hundred and one Columbus avenue.



Q. Are you in the retail business? A. Yes, sir.

Q. I want to be very brief with you, as you have first been patient in waiting here, and I will let you go as soon as possible; did you, some years ago, have trouble with the police touching the excise law? A. No, sir; never, in my life.

Q. No trouble? A. No policeman whatsoever.

Q. Did you ever make complaints about any person or about any policeman being placed in front of your store? A. Never in my life.

Q. Do you remember dealing with a wholesale firm, of which Mr. Kersey is a member? A. I never bought any liquor of Kersey in my life.

Q. You know Mr. Kersey? A. No, sir; I do not.

Q. You have never been arrested for violation of the Sunday law? A. Twice.

Q. When was that? A. About two years ago, once, and about a year ago last, for a violation.

Q. With what wholesale firm have you been dealing? A. Principally with Peter McQuade, and sometimes with Phalen & Duval.

Q. When did you commence dealing with Phalen & Duval? A. About two years and a half ago.

Q. Before you dealt with Phalen & Duval, from whom did you buy liquors; that you had since bought from Phalen & Duval? A. The Distilling Company and Peter McQuade and Phalen & Duval.

Q. What firm or concern did you give up dealing with when you went to deal with Phalen & Duval? A. Gave up none.

Q. Kept it up in the same way; kept up buying in the same way? A. Buy as I always bought.

Q. Was there any suggestion of any kind over any question that you should deal with Phalen & Duval? A. None whatsoever.

Q. A voluntary act on your part? A. On my part.

Q. And how long ago did you commence dealing with them? A. Ten or 12 years.

Q. Did they ever try selling you before you commenced to deal with them? A. Never tried to sell me any.

Q. Did you go to them yourselves? A. Yes, sir.

Q. Had you been arrested for the violation of the excise law when you went to them? A. No, sir.

Q. Never? A. Never.



Q. You have been arrested twice since? A. Twice since.

Q. Have you more than one store? A. Only one, sir.

Q. You say that there was no policeman placed outside of your store? A. Never for one second.

Q. You never complained of a policeman having been placed outside of your store? A. No, sir; never, sir.

No cross-examination.

Daniel Holland, 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. Liquor business.

Q. Where is your place of business? A. Two thousand three hundred and eighty Second avenue.

Q. Are you, at the present time, president of the Wine and Liquor Dealers' Association of the city of New York? A. I am.

Q. And have been for how long? A. This is the second term of one year each.

Q. Did you read the subpoena that you have been served with? A. No; only took a superficial glance over it.

Q. Do you remember reading a subpoena calling upon you to produce any books or papers of your association? A. The subpoena server called my attention to the written notice on the back to that effect.

Q. Have you any books or papers in your possession of that association? A. No, sir.

Q. Does the president of the association keep any books at any time? A. No, sir; not connected with the association.

Q. Of course, I do not speak of your private business; I only wish to ascertain about the books; you don't keep any connected with the association? A. No, sir.

Q. Who keeps the books? A. The secretary.

Q. There are more secretaries than one? A. Yes, sir; the recording and financial.

Q. And who is the recording secretary? A. Mr. Keilty.

Q. Who is the financial secretary? A. Mr. McLaughlin.

Q. Does the treasurer keep books? A. Yes, sir; his own accounts.

Q. As treasurer? A. Yes, sir.

Q. Then there are trustees, are there not? A. Yes, sir; three trustees.



Q. Do they keep any book or memorandum of account? A. No, sir; none in connection with the affairs of the association.

Q. In connection with the matters of which they are trustees, do they not? A. I will have to stop for a moment to think; we have what is known as a finance committee who might properly be designated as a board of trustees; there is no accounts that they have no writing kept, they act as a committee and audit the accounts of the financial secretary and treasurer, and audit all vouchers, and they also approve of the bank account; that is in the way of deposits.

Q. How about the drafts? A. The drafts have to be signed by the president, the financial secretary and treasurer, and the chairman of the finance committee; four signatures.

Q. Four persons sign them? A. Yes, sir.

Q. The whole four? A. Yes, sir; or a majority of those four.

Q. No money in connection with the association can be paid out except upon drafts signed in the manner which you have indicated? A. No, sir.

Q. Are there not some standing committees in the association? A. Yes, sir.

Q. Will you please give us the names of the standing committees and the chairman of each committee? A. A standing committee known as the excise committee.

Q. And the chairman of that committee? A. He is Mr. Schieren at the present time; I can not remember any other standing committees; we have no committee we could designate as a standing committee, except the committee known as the committee on correspondence; that is not a standing committee.

Q. Have you not a committee on legislation? A. Not from the central association; the State association attends to that.

Q. So in reality the only permanent standing committee you have is the excise committee? A. Yes, sir.

Q. What are the duties of that committee, Mr. Holland? A. The principal duties are to take care of our members when they get into trouble.

Q. They have a general supervision or kind of protection over the members of the association? A. Yes, sir.

Q. Is it not also part of their duty and has it not been part of their duties to help in obtaining or securing legislation of a remedial nature as far as they are concerned? A. Not that com-



mittee; all those matters are left in the hands of the State association.

Q. You form part of the State association? A. Yes, sir.

Q. In the city of New York you have several branch associations? A. Yes, sir.

Q. How are they located, as to precincts or wards? A. In some cases they are designated as precincts, in others by districts, and in others by wards; they are not all designated in the same way.

Q. But they are all a branch or subordinate? A. Yes, sir.

Q. In regard to the finances, what connection do they have to the association; how much do they pay? A. They pay each \$50 a year.

Q. Is that all they pay? A. That is all.

Q. And, so far as their own finances are concerned, they have the sole management of them? A. Yes, sir; in their local association.

Q. Have you a list, Mr. Holland, of the names of the officers in the various ward associations or local associations in New York? A. We have, of course, by referring to our roll-book, but I do not think I could give them from memory at the present time.

Q. Twenty-nine or 30? A. Yes, sir; in the city of New York.

Q. You are sure there is such a list? A. Yes, sir.

Q. And your central association is made up by the various locals by delegates from each local? A. A president and three delegates.

Q. And they form what is called the central association? A. Yes, sir.

Q. When did the association hold its last meeting? A. The central association, the second Tuesday of this month.

Q. Of June? A. Yes, sir; of June.

Q. How often do they meet? A. The regular meetings, the second Tuesday of each month.

Q. And special meetings may be called? A. Of course, when the necessity requires.

Q. Have there been any special meetings called during the year 1894? A. I think there was one in February, but I am not positive now as to the date.

Q. Was it after or before this committee commenced its sittings in public? A. I believe the committee was in session at the time; it had reference to our giving our annual ball.



Q. That was a special meeting? A. Yes, sir.

Q. At your last meeting in June of this year, I presume, Mr. Holland, the secretaries had their books there? A. Yes, sir.

Q. These books are in the keeping of the secretary? A. I suppose so; they are the custodians.

Q. They have a personal control of them; there is no safe or repository where they are put? A. The association has no repository or safe.

Q. They take charge of their own books? A. Yes, sir.

Q. Where the secretary's term of office expires, it is his duty, of course, to turn his books over to the successor or to the association? A. Yes, sir; the constitution called for it.

Q. And what is true of the secretary is true of the other officers? A. Yes, sir; the same rule applies to each.

Q. I merely wish to ask you these preliminary questions to-day; that is all, unless Mr. Ransom wishes to exercise his privilege.

Mr. Ransom.— Very much obliged. I have no questions.

Henry Keilty, 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, Mr. Keilty? A. Liquors.

Q. Where is your place of business? A. No. 2142 Third avenue.

Q. Are you the recording secretary of the Wine, Liquor and Beer Dealers' Association of New York? A. Yes, sir.

Q. That is the name, is it? A. Yes, sir; Wine, Liquor and Beer Dealers' Central Association.

Q. How long have you been the secretary, 10 years? A. Yes, sir.

Mr. Ransom.— That is the same association?

Mr. Goff.— Yes, sir; it is the same association.

Q. Have you been secretary constantly? A. Yes, sir.

Q. For 10 years? A. Yes, sir.

Q. Recording secretary all the time? A. Recording secretary all the time.

Q. And your duty is, I presume, to keep the minutes of the meetings? A. And do all correspondence.

Q. And record resolutions passed, etc.? A. Yes, sir.

Q. Now, Mr. Keilty, are there not some meetings called executive meetings? A. Well, I can not say that we have had any



meetings as executive meetings, but in many cases we have went into executive session.

Q. Is that executive meeting composed of a smaller number of delegates? A. No, sir; the same quantity, but excludes all outsiders; newspaper reporters, etc.

Q. Are there any committees that transact the business of the association deputed to them? A. There is no committee that has the right to transact any business, but there is what is sometimes called — they assume the right to transact the business of the organization and they call themselves an executive committee comprising the presidents of the local districts, but they have not got the authority.

Q. That is what I want to get at; this so-called executive committee, whether they are without the constitution or within the constitution, we will not go into, but the so-called executive committee is composed of the presidents of the local branches? A. Yes, sir.

Q. What is the nature of the business they transact? A. Well, I do not know but generally of the organization, that is, for instance, they hold a meeting of the so-called executive committee; so-called executive meeting — they held one a short time ago, and it was for the purpose of trying to see by what manner the price of ice could be reduced; the ice companies were charging, I believe, 25 cents for it; in fact, all dealers would charge 25 cents more or less; we thought that was an exorbitant price, and I think it was by a resolution of the central association that the executive committee was called to take the matter under advisement for the purpose of seeing by what manner or means it could be prevented.

Q. Does the president of the central association preside at meetings of the executive committee? A. Yes, sir; he does.

Q. At such meetings do you act as recording secretary? A. Yes, sir.

Q. And do you keep a minute of the proceedings of that committee in a book different from the proceedings of the meetings of the general association or central association? A. Well, some years ago, I believe I did keep the minutes of the executive committee meetings in a different book, but we have held so few meetings of the executive committee lately, that at the last meeting that was held I made a motion myself that the minutes of the executive committee meetings be added to the minutes of the regular meetings that were then holding and so recorded in the minutes of the day's meetings.



Q. Have you, in your possession, all the minute-books from the time of your inception of the organization? A. I have not.

Q. Where are they? A. They were surreptitiously taken from me.

Q. Since the meeting of this Senate committee? A. Yes, sir.

Q. They were stolen from you? A. Yes, sir.

Q. And is it not a fact that they were stolen from you because for fear that this committee would call for them?

A. That is what I believe myself; yes, sir.

By Chairman Lexow:

Q. Give us dates and time? A. I can not give you date or time.

By Mr. Goff:

Q. You are unable to do that? A. Yes, sir.

Mr. Goff.—I know Mr. Keilty and know him to be a decent man and an honorable man, and he would not forswear himself for any man.

Q. Do you know the place where they were surreptitiously taken away from you? A. Well, I kept a rough minute of the meetings.

Q. I wish to place you right; now, Mr. Keilty, has there any communication, directly or indirectly, through any means whatsoever, so far as your knowledge is concerned, passed between you and me for the last year? A. No, sir; I don't think so; well, I guess it is not quite a year.

Q. About a year this summer? A. Yes, sir.

Q. Have you seen me or heard from me in any manner, shape or form? A. I have seen you.

Q. I mean to talk with me? A. Not about any particular business; I saw you in Harlem a few months ago, when you were counsel for that celebrated case in West Harlem.

Q. I was attending court up there? A. Yes, sir.

Q. I mean, in reference to this committee? A. No, sir.

Q. I want to place yourself right as well as myself; how this fact came to my knowledge you are unable to say; independent of any knowledge or information you have caused to be given to me? A. Yes, sir.

Q. Will you tell this committee why these books were taken from you; give this committee your own version of it? A. Well, the city president of our association —



Q. Who is that? A. Morris Tekulsky; we were looking over the minutes of the association for some years; I believe it was on the Sunday night prior to April 10th, and he cautioned me to be so careful about the books, and I was so careful about the books that I took them upstairs and placed them on my bureau and covered them over with a towel, and the meeting that took place on the following Tuesday I was led to believe that some of the wiser heads of the association were to meet with me and have a look over the books to see if there was anything in them that was detrimental to the interests of the organization or person; that is what I was led to believe; I gave an order on my wife to give the bearer — I did it hurriedly to give the bearer the book and where she would find it, telling her she would find it in a certain place, and that was given to the chairman of the organization, and he —

By Senator Robertson:

Q. The chairman of the State organization? A. No, sir; the chairman of the central organization.

By Mr. Goff:

Q. Mr. Holland? A. Yes, sir; and there was some person delegated to bring the book down to the association room.

Q. In Union square? A. Eight Union square; and I found out afterward, when I went home that night, that there was no member of the association that called for the book, but a telegraph messenger boy, and from that day to this I have not seen the book; on the same meeting day I had the rough minute book that I took the rough minutes in, to rewrite them into the minute-book proper; there was quite a commotion when the meeting adjourned, and I turned around and I found I had lost my roll-book, and I accused the members of the organization of being afraid, and when I commenced to look more closely in the packages that I was preparing with my books, I found it was the rough minute-book that was taken from off my desk in the rooms of the central association.

By Senator Saxton:

Q. Taken off your desk at that time? A. Yes, sir.

Q. When your attention was distracted? A. Yes, sir.



By Senator Lexow:

Q. Have you any suspicion as to who took it? A. Well, I might have a suspicion about it, but it would perhaps be a groundless one.

Q. Was there anybody so close to you that he could take it away without noticing him? A. Well, there was so many in the room that anybody could take it.

By Senator Saxton:

Q. You say there was some commotion? A. Yes, sir; there is always some commotion which attends the adjournment of a meeting.

Q. Simply the commotion of getting out? A. Talking and all that; yes, sir.

By Chairman Lexow:

Q. Was there any hot debate or dispute in progress there? A. I don't believe there was anything more than usual.

By Senator Saxton:

Q. Was the subject, or had the subject, anything to do with your books; had the subject been brought up about your books having been taken? A. I believe it was.

Q. And that was discussed, was it? A. Yes, sir; Mr. Tekulsky — no; not on that day but a subsequent meeting; not on that day.

Q. I understood the books had been sought for? A. Yes; that was on that particular day, but nothing said at the subsequent meeting.

By Chairman Lexow:

Q. Was anything said in reference to the testimony of Mr. Tekulsky given on the stand here? A. I believe not.

Q. As to whether there were any communications contained in these books that was different from the testimony that he had given here? A. I do not believe there was.

Q. You remember he was asked in reference to the contents of some of the books of the association, don't you; did you read the testimony? A. A portion of it.

Q. Was it with reference to that that you had your conversation with Mr. Tekulsky? A. I believe it was; of course, it had something to do with it.



Q. When you examined the books didn't you find that the books did contain substantially what was required of Mr. Tekulsky which he denied here? A. Well, I could not really say, Mr. Chairman.

Q. Was it not about that that you spoke with him? A. No; I firmly believe that Mr. Tekulsky answered the questions — I read his evidence at the time carefully, and the questions were not properly propounded; yes or no would answer the questions; I believe he answered them honestly.

Q. You mean by that in the way the questions were put to him were such that he could avoid giving the answer that was sought to be obtained at the time? A. That is it.

Q. And that afterward upon investigation of these books it was found that his testimony really ought to have been different from what he ought to have gave? A. No, sir; that is not it, Mr. Chairman.

Q. Is that not what you mean? A. No, sir; it was conjectured that the books would have to be produced before this committee and we only looked over them and came to the conclusion that there was not anything in the books that any reasonable man would be afraid to place before the committee; there were some very spicy minutes in them, but nothing that they should be afraid of; it was proved conclusively that our organization was not a partisan organization.

Q. Was it not proved substantially that the testimony that was given here by Mr. Tekulsky was in variance with the contents of these books? A. It was not; no, sir.

By Mr. Goff:

Q. Let us see, Mr. Keilty; can you tell this committee —

By Senator Saxton:

Q. Suppose, if the books had been produced, it would have given the counsel for the committee an opportunity to say things and put different questions to Mr. Tekulsky and have elicited different results? A. Yes, sir; that is the idea.

By Mr. Goff:

Q. But, Mr. Keilty, will you tell us, now, if you please, how many books were stolen from your house? A. One.



By Chairman Lexow:

Q. And one from the table? A. Yes, sir; one from the table.

By Mr. Goff:

Q. What was the book stolen from your house? A. It was not stolen, because it was surreptitiously taken.

Q. We lawyers call that stealing; the person to whom you gave the order was not the person who presented the order?

A. No, sir; a telegraph messenger, I understood.

Q. And that book which was taken, I will adopt the word taken, from your house; what was the book? A. It was the minute-book, for perhaps about four or five years.

Q. For over five years? A. I guess about five years.

Q. What was the book that was taken from your desk at 18 Union square? A. It was the rough minutes of the meetings of perhaps for two years.

By Senator Bradley:

Q. In pencil? A. Yes, sir; in pencil.

By Mr. Goff:

Q. You were in the habit of transcribing the rough minutes in the regular minutes? A. Yes.

Q. At the meeting I presume you would be heard? A. I couldn't do it.

Q. You could not write them down in full and took them down roughly in pencil? A. Yes, sir.

By Chairman Lexow:

Q. And then the minutes were proved at the next meeting? A. Yes, sir.

By Mr. Goff:

Q. Do you know of any other books of the association that have disappeared? A. I do not know; no, sir.

Q. I would like to get your memory as nearly as you possibly can give it upon the date of the disappearance of the book from your house? A. The 10th of April; because I have got the order that I have gave.



By Senator Saxton:

Q. I thought you said at a subsequent meeting? A. I say at the meeting subsequent to the 10th of April; that is the time; this mark on here, my little girl crossed that on there; this is the note I gave the chairman of the organization.

(Witness hands paper to Mr. Goff.)

Mr. Goff.— We offer that in evidence. I will read it:

“ 8 Union square, April 10, 1894.

“ Dear Bell.— ”

By Mr. Goff:

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

Mr. Goff (reading).— “ Dear Bell: Please give bearer the book, placed on bureau, covered over by towel. Yours, etc., Henry Keilty.”

The Witness.— This address was not written by me.

Q. Who wrote that address? A. I don't know.

Q. When did you see this address written on it? A. When I went home.

Q. Didn't you read that address? A. No, sir.

Q. You didn't write it? A. No, sir.

Mr. Goff.— We offer that in evidence.

The Chairman.— Mark that Exhibit 1, of this date.

(This paper marked Exhibit 1, June 28, 1894.)

Q. Now, Mr. Keilty, on that meeting of the 10th of April, Mr. Tekulsky was present? A. I believe he was; yes, sir.

Q. Where was it that Mr. Tekulsky said to you to be careful of the books? A. That was on Sunday night previous to this meeting.

Q. Where was that; in your house? A. Yes, sir.

Q. Did Mr. Tekulsky visit you frequently before that? A. Yes, sir; his mother lives up our way, and he comes in very frequently.

Q. Was that the Sunday night that Mr. Tekulsky had been examined by this committee? A. Perhaps it was; I am not sure.

Q. But, anyway, it was after the examination? A. I guess it was after he was examined.

Q. So that, in so far as you were concerned, you never received a subpoena to produce any books before this committee until the present subpoena? A. Not until the last one.



Q. You conversed with Mr. Tekulsky about his testimony before this committee? A. Yes, sir; and agreed with him upon it that he had given correct testimony.

Q. Agreed with him that he had testified correctly? A. Yes, sir.

Q. I will read from Mr. Tekulsky's testimony, Mr. Keilty.

Mr. Goff.—Mr. Chairman, what was the date of our sixth meeting?

Chairman Lexow.—Is not the date on the minutes of the testimony.

Mr. Goff.—No, sir; it simply says in blue pencil, continuation of sixth meeting, and in the stenographer's minutes, there is nothing to show the date; it says, Morris Tekulsky, called as a witness, being duly sworn, and so forth.

Q. I will read this over, and I do not ask you any question yet until I get through; I want you to listen to it; I read it for the purpose of refreshing your memory: "Q. Mr. Tekulsky, does your association keep records? A. Yes, sir. Q. Can you produce, before this committee, the record showing the appointment of committees for your association within the past six months? A. By all means." Now, was such record kept, Mr. Keilty, of the appointment of committees for the past six months? A. I do not understand you.

Q. I will read it again; this question was put to Mr. Tekulsky: "Now, Mr. Tekulsky, can you produce before this committee the records showing the appointment of committees for your association within the past six months? A. By all means." Now, were there records of your association showing the appointment of committees? A. There may have been, Mr. Goff.

Q. If there were such records, would they be in your keeping? A. Most assuredly.

Q. Were there such records or not? A. I can not answer that, because it takes all my time to take down the minutes, and if I did not rewrite them after taking them down, I could scarcely make a report to the organization, of which I am a delegate.

Q. The local branch? A. Yes, sir.

Q. I will read further: "Q. And showing the reports of those committees? A. Yes, sir. Q. And the action of your association thereon? A. I suppose so. Q. Will you furnish those to the committee at their next session? A. That I can not promise;



I am not the secretary. Q. I ask you if you can furnish them? A. I can with his consent, and the consent of the organization. Q. By Chairman Lexow.—Who is the secretary? A. Henry Keilty. Q. Where is his place of business? A. One Hundred and Seventeenth street and Third avenue. By Mr. Sutherland: Q. What is his business? A. Liquor business. Q. And that is his liquor store? A. That is his store; his business. Q. He has the secretary's office in the same place? A. He has no office particularly; that is where he is supposed to keep the books, and he—I can not say as to that. Q. What else may be there? A. They may be at the headquarters, No. 8 Union square. Q. Is anybody in charge there? A. The janitor. Q. Anybody that has access to the books? A. Nobody but Mr. Keilty." Now, the books that Mr. Tekulsky had reference to, were books then in your possession? A. I believe so.

Q. And did Mr. Tekulsky, after testifying before this committee, make any request upon you to produce the books before this committee? A. He did not; no, sir.

Q. Did he make any request upon the organization at any meeting of its committees to produce books before this committee? A. At a subsequent meeting of our organization, he caused quite a tumult to be raised of the very fact of the books being taken of the organization; he condemned the fact of the books being taken away, and there was quite a little time over the books being taken.

Q. Now, I am not exactly clear upon this line; on the Sunday night that Mr. Tekulsky was at your house, he said, "Be careful of your books;" had you then all your books in your possession at that time? A. All of them; yes, sir.

Q. How many in number? A. I had the regular minute-book and the rough minute-book.

Q. Two? A. And other correspondent slips, and papers, and so forth.

By Senator Bradley:

Q. Those are not books; books he has asked about

By Mr. Goff:

Q. How many books altogether? A. Well, I had all the books from the inception of the organization.

Q. I mean in regard to the time that covers the period of 10 years; you must have had more minute-books than one?



A. Two; we were at the third, but I had not started in it yet.

Q. The third book was a blank-book? A. Yes, sir; the book that was taken was almost full, but a couple of leaves.

Q. So you had two minutes at that time? A. Yes, sir.

Q. And a rough minute-book? A. Yes, sir.

Q. And then some loose memorandum papers, and so forth?

A. Yes, sir.

Q. Where were they, in your house at that time? A. In a roll-top desk.

Q. Locked? A. Locked.

Q. Now, what night after that Sunday night was the meeting held at 8 Union square? A. Held in the evening of the following Tuesday, I believe.

Q. Now, when you left your house after Mr. Tekulsky had seen you on Sunday night, and told you to be careful of the books, had you seen him or did you hear from him from that time till the time you met at the association meeting on Tuesday? A. No, sir; but he said I should have brought the minute-book down with me, for the purpose of having it gone over.

Q. Was it Mr. Tekulsky that made an arrangement with you to meet with the older and wiser heads, as you have been kind enough to call them, of the organization, and go over the minute-books? A. That was the intention on that occasion.

Q. For this Tuesday's meetings? A. After the meeting adjourned.

Q. Can you tell the committee who were the wise heads to be called in to examine the books; the names of the gentlemen that were suggested? A. Mr. B. F. Keans.

Q. He was the former president? A. Yes, sir; and Mr. Daniel Holland, and others; a few others; I don't know who they were.

Q. And Tekulsky? A. Of course, Mr. Tekulsky.

Q. Can you think of any others? A. Well, he may have, perhaps, had more; there were others around at the time.

Q. After you received Mr. Tekulsky's warning on Sunday night, did you look at the books that night to see that they were all right? A. I believe I took them upstairs with me.

Q. I understood they were upstairs? A. I believe that night I took them upstairs.

Q. So they were not in your place? A. Yes, sir; in a roll-top desk.

Q. And you took them up there for safety? A. That one book.

Q. Which book? A. The minute-book, proper.



Q. Was that the minute-book, then, you used? A. It was used then, almost filled up; it was filled up.

Q. So you left the old minute-book and the rough minute-book below stairs? A. Yes, sir; the old minute-book is here.

Q. Might I ask, Mr. Keilty, why it was that you selected out the minute-book, then, that was in existence, to be more careful of than of the other books, after Mr. Tekulsky gave you warning? A. Well, it had transcribed upon its pages the meetings perhaps for five years, and very few, if any, of the delegates remembered, perhaps, what was in the minute-book.

Q. Well, from that time until Tuesday evening had you any communication with any of the officers or members of the association with regard to the books? A. Not that I know of.

Q. Was this a regular meeting? A. A regular meeting; yes, sir.

Q. Now, after Tuesday, you left your house and took the books with you? A. I took the rough minute-book.

Q. And some paper for the purpose of transcribing the actions of that day, and you left the regular minute-book behind? A. That was always left at my house; it was left there underneath a towel on the bureau.

Q. When you got to the meeting, how did it come to pass that this minute-book was called for at that meeting, since you had not been in the habit of having it at any meeting? A. I had always been in the habit of taking it to the meeting, and I left it home that day.

Q. What was the necessity of procuring it? A. Well, I can't tell you that.

Q. Was it the result of Mr. Tekulsky's warning? A. The chances are that it was, and I believed it was.

Q. When you got to the meeting, what question was raised that required the presence of this minute-book, at the meeting? A. There was no questions; I think it was prior to our going into the business of the day, when it was suggested that I should have brought the book along.

Q. Who suggested that? A. Well, I believe both Mr. Tekulsky and Mr. Holland.

Q. But you had frequently attended meetings before without this minute-book with you? A. I do not remember a meeting I hadn't it there, with the exception of that meeting.



Q. Was there any comment made by any of the gentlemen with regard to the wisdom of your keeping it safe at home? A. There was not, on that day, Mr. Goff.

Q. You say Mr. Tekulsky raised the question about it not being there? A. At the following meeting.

Q. Well, when the suggestion was made to you that you should have brought the book from home with you, you then wrote this note? A. Yes, sir.

Q. And you gave it to Mr. Holland? A. Yes, sir,

Q. And you never saw the book after that? A. Never saw the book from that to this.

Q. During the meeting, was there an inquiry for the book; an inquiry for the return of the messenger, or anything? A. I heard that the book had been outside, but I did not care to see it.

Q. Who told you that the book was outside? A. Mr. Doland.

Q. Well, of course, the book was in your care, or in your charge, and you had the right to have it in your charge? A. Well, I felt a little snubbed at this manner of getting it away without my knowing anything about it.

Q. That is, the manner of getting it from your house? A. Taking it from my possession.

Q. Now, was it during the meeting that your attention was distracted when the rough minute-book was taken off your desk; that meeting? A. That same meeting; yes, sir.

Q. Now, I think it is fair that this committee should ask you who it was that distracted your attention, or what it was that distracted your attention? A. Well, in fact, I can't say, Mr. Goff; the last man that I saw there when I turned my back around was Alderman Rinn.

By Senator Bradley:

Q. Is he an alderman now? A. Yes, sir.

By Mr. Goff:

Q. He was standing by you? A. Standing at my desk and he made some remark about what minute-book was this, and the next thing I looked for the book and it was gone, but I do not know he knew anything about where it went or not.

Q. No; I am merely asking you about the fact of its disappearance, as far as you can give it; when did you first learn that the book that you had sent for to your home was missing? A. When did I first learn it?



Q. Yes? A. Some member of the organization must have it.

Q. Did you hear anything, Mr. Keilty, about these books having been returned? A. No, sir; I never did.

Q. Did you hear anything about the book that you sent for to your home having been brought in to No. 1 Union square, the northeast corner? A. No, sir; but I heard it was brought into 8 Union square on that same evening; that was previous to the adjournment of the meeting.

Q. After that? A. No, sir; never heard, or I did not want to hear after that.

Q. You know that saloon on the northeast corner, which used to be called the Opera? A. Yes, sir.

Q. Did you ever hear that the books had been carted in here? A. Never.

Q. And that they had been taken over there? A. No, sir.

Q. And burned there? A. No, sir.

By Chairman Lexow:

Q. Why did you say you did not want to hear what became of the books? A. I was a little annoyed at the manner in which the books were taken from me.

Q. That was the only reason? A. And another reason when they were gone, I was not responsible for their keeping.

Q. You were relieved of the custody of the books? A. Yes, sir.

By Mr. Goff:

Q. The next meeting of the association, when was that held? A. I believe we held a special meeting about the middle of that month.

Q. What was that special meeting called for? A. For the purpose of finishing up the business that had not been attended to at the previous meeting.

Q. Unfinished business? A. Yes, sir.

Q. What was the nature of that business? A. General business of the organization.

Q. But you generally finished up your business at each meeting, did you not? A. Sometimes; but we have got so many orators in our organization, and it takes them so long to get through, that they have to vacate the hall before the business is finished.

Q. You haven't got the five-minute rule then? A. It is now obsolete, but they made it a motion and passed it some years



ago that no delegate should occupy the floor more than five minutes.

Q. But it is now obsolete? A. Yes, sir; now.

Q. At the special meeting, was the matter of these books brought up? A. Yes, sir; I believe so.

Q. Were you present there? A. Yes, sir.

Q. In what form was it brought up, the question? A. Mr. Tekulsky brought it up; he deprecated the fact that the books were missing, and he also had a motion made on that day that no member of the organization would say anything about it, until the following meeting, when an investigation would be had to find out where they were, or something to that effect.

Q. Was there ever an investigation held? A. Not that I heard of.

By Chairman Lexow:

Q. Did Mr. Holland speak about or say he had received an order for the books? A. Well, I don't know exactly what he did say.

By Mr. Goff:

Q. You explained your part to them, did you not? A. Most assuredly, everything that pertained to my part.

By Chairman Lexow:

Q. Did Mr. Holland claim that this order had been stolen from him? A. No, sir.

Q. Did he say to whom he gave the order? A. I don't believe he did, but I think I know who did give the order.

By Mr. Goff:

Q. Who got the order? A. Mr. Doland.

Q. Will you give us Mr. Doland's address?

By Chairman Lexow:

Q. That is the same one that was near you when your book disappeared? A. No, sir; that was Alderman Rinn then.

By Mr. Goff:

Q. Will you give us Mr. Doland's address, please? A. Forty-ninth street and Ninth avenue, the southwest corner; he keeps a place there, D. J. Doland.



By Chairman Lexow:

Q. What was his office; did he occupy any position in the organization? A. He was secretary of the ball committee.

Q. Any other address besides the Forty-ninth street address? A. He keeps a place up on Amsterdam avenue, but I have forgotten that address.

Q. Well, we will find it; was there any committee appointed for the investigation as to how the books disappeared? A. No, sir; I do not believe there was.

By Senator Bradley:

Q. There could not be without your knowing it, as secretary? A. I don't believe there was, but there was business that I didn't know of.

Q. About this particular thing, you would be apt to know? A. No, sir; I don't think so.

By Chairman Lexow:

Q. Wasn't Mr. Doland in the room when that occurred as to the disappearance of these books? A. I believe he was.

Q. Did he say anything? A. I don't think he did.

By Mr. Goff:

Q. At a special meeting held after the meeting of the 10th of April, did you make a record of all that took place? A. Yes, sir.

Q. And have you got the book containing that record? A. I will just look and see if I have; yes; here it is (handing book to counsel).

Q. April 17th? A. Yes, sir.

Q. Is that the proceedings? A. Yes; the minutes rewritten.

Mr. Goff.—We offer this in evidence, but I will not read them. I want the committee to control them.

By Senator Bradley:

Q. You say they were rewritten in, would that be the third time? A. I took a rough minute of the proceedings calling for the resolutions, and wrote them in, as I thought properly, afterward.

Q. Is this a rewritten reversion of what you wrote? A. Yes, sir.



Q. And this would be the third copy? A. No, sir.

Q. I ask you if you took the first minutes in pencil? A. Yes, sir.

Q. Is this a copy of that? A. Yes, sir.

Q. I thought you said rewritten? A. Yes, sir; it is rewritten.

By Chairman Lexow:

Q. It is substantially the same thing, only a little different? A. Yes, sir.

Chairman Lexow.— That will be marked Exhibit 2. (Marked Exhibit 2, June 28, 1894.)

By Mr. Goff:

Q. Might I ask why it was that you did not transcribe the minutes that are in Exhibit 2, into the book? A. The reason is that I wanted to commence the new book — I had a beautiful new book made to order by Styles & Cash; I wanted to commence from the beginning of the year; there was a portion of the minutes that I had not got, and that were gone; that is the reason they were not transcribed in the regular minute-book.

Q. They went with the book? A. Yes, sir.

Q. Now, will you produce all the books that you have in your possession, if you please? A. Yes, sir; here are the minutes of the meetings; the regular meeting, and this is what I called a rough sketch of the minutes, written in pencil; this is the original copy.

By Senator Bradley:

Q. What meeting is that? A. It is the meeting of June 12th; these are rather roughly written, Mr. Goff.

Q. I understand that; now, let me have the books that you have, please? A. This is the book from the inception of the organization (handing book to counsel).

By Chairman Lexow:

Q. What, minute-book? A. Yes, sir; from the inception of the organization.

By Senator Saxton:

Q. Down to the time of the one that was stolen? A. Yes, sir.



Mr. Goff.— This is a book of minutes from the inception of the organization? I ask to have that marked in evidence.

Q. Down to what date is that? A. It is on there.

Mr. Goff.— The first minute here is January 29, 1884.

Senator Cantor.— Where does it end, the last item?

Mr. Goff.— September 18, 1888, is the last meeting.

Chairman Lexow.— That will be marked Exhibit 3.

(Paper marked Exhibit 3, of this date.)

Chairman Lexow.— We will mark that minute-book for identification; I don't want to take that in the testimony.

Mr. Goff.— I consider that suggestion better, and will have them marked for identification.

(Book referred to marked for identification.)

By Mr. Goff:

Q. Your next book, Mr. Keilty? A. This is a rough minute-book; the chances are that you won't be able to make anything out of it; that was an old rough minute-book.

Mr. Goff.— We will mark this for identification.

(Book referred to marked Exhibit 4, for identification.)

Q. These are all the books you have? A. I believe so, here

Q. There are other books? A. There is a roll-book of delegates.

Q. That I want; does that contain the names of the officers of the various local districts? A. It contains the names of delegates to the central association, and one of the delegates is the president of the local organization, by virtue of his office.

Q. Have you any roll that will show the names of the officers, the president, treasurer and so forth, of each local association?

A. No, sir; not a compiled list, but I have this written, or rather I was notified to give the names of the secretaries for the purpose of placing in a new — or rather a revision of our constitution and by-laws, and I have there compiled it, and I could give them to you.

Q. Will you be good enough to let me have the roll containing the names of the delegates of your association? A. Yes, sir.

Q. And I would feel obliged if you get the roll of the secretaries? A. I did intend to bring it down here, and when I got into the park I remembered I forgot it.

Q. For the present I do not wish to ask any more questions; one moment, will you please give me the address of J. W. Mur-



ray, the second vice-president? A. It is on Grand street; I forget it; I will send it down.

Daniel Holland, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Do you remember receiving this paper (Exhibit 1 of this date shown to witness) from Mr. Keilty? A. I remember the occurrence quite well.

Q. You remember receiving that paper? A. I am not positive as to whether I received it directly or not.

Q. Mr. Keilty swears or has sworn that he delivered it to you? A. If he says so, I presume it is true.

Q. Do you remember what you did with that paper? A. If it was handed to me I handed it to somebody standing alongside of me, for the purpose of sending for that book, but that is all I can remember at the present time.

Q. Is that your writing on the back? A. No, sir.

Q. Do you know whose handwriting it is? A. I think it is Mr. Keilty's.

Q. No; he says it is not; did you write that address? A. No, sir.

Q. You knew, Mr. Holland, at the time this order was given to you that there was some trouble in the association about the secretary not having brought down that book? A. Several members — three or four of the members—spoke to me about his not having that book, and in the hurry of business, which we had a great deal of that day, I asked them what they wanted to do, and I understood them to say they wanted to refer to some minutes in that book; there was some question raised; that is my recollection of it now; some question raised concerning the action that had been taken upon a certain matter, and the secretary did not have a minute in that.

Q. Will you swear you do not know now into whose hands you gave that order? A. I am not positive.

Q. Did you ever inquire about the book? A. Yes, sir.

Q. What inquiry did you make? A. I inquired of Mr. Doland and Mr. Rinn and Mr. Tekulsky and got no information whatever.

Q. Why did you inquire of Mr. Doland? A. Because he was standing around at the time, and I was told that it was he who gave that order to the telegraph messenger boy.



Q. What did he say about that? A. He told me he didn't know anything about it.

By Senator Saxton:

Q. You didn't give the order to the messenger boy? A. No, sir.

By Chairman Lexow:

Q. Was this particular man specially interested in these minutes? A. That I can not say.

Q. Was anything in these minutes that would have affected him? A. I presume not.

Q. Nothing? A. Unless it was on some question in dispute; I hadn't the slightest knowledge of anything in connection with the books; I don't know why they disappeared, and I don't know that there was anything in the books that any rational man would be afraid of, or that would affect us.

Q. They were being discussed at the time; a great deal of talk about the books? A. I don't know; there might possibly have; I presume the question was raised by the members themselves.

Q. You heard the testimony of the gentlemen on the stand that the matter was discussed, and that you decided upon conferring with other members of the association with reference to these books, at this April meeting? A. I had no conversation, three or four members came to me, and asked me if this book could not be produced, and I said I supposed so, by the secretary giving an order for it, and that is the order, as I recollect it now, as handed in by Mr. Goff.

Q. No; but previous to that time, was there not an understanding among you, including Mr. Tekulsky, yourself and some others, who were considered leaders of your organization, that you should meet together for the purpose of conferring with reference to these particular books? A. No, sir; never had any such understanding.

Q. Mr. Keilty swears that was the understanding? A. Probably he said that was his recollection; I had no such understanding.

Q. He said Mr. Tekulsky and he, together, had agreed in a conversation with you and the others that a meeting should be held with reference to the contents of these books? A. I never had any understanding in reference to these books.



Q. Have not the contents of these books, or had not the contents of these books been made a subject of conversation between you and Mr. Tekulsky? A. At that time?

Q. Yes. A. I had not seen Mr. Tekulsky.

By Mr. Goff:

Q. With special reference to the testimony that Mr. Tekulsky had given on the stand only a few days before? A. I don't recollect having seen Mr. Tekulsky from the time he was on the stand until the day of this meeting, with the exception of the night of our ball, and we had no conversation that night.

By Chairman Lexow:

Q. Why was it that you sought or wished to have these books produced on this occasion? A. On the application of these members.

Q. Was it not with reference to this very matter, as to the testimony as given on the stand by Mr. Tekulsky; that there would be a difference in the testimony and in the minutes in that book? A. No, sir; I don't think so.

Mr. Goff.—I have no further questions to ask Mr. Holland. We will examine all the gentlemen at a later date on the merits. I am trying simply to locate these books now.

Chairman Lexow.—You better hurry it up, or it will be pretty hard to locate them.

Henry Keilty, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Were there any other meetings of this so-called executive committee, or any other body of which you were a member, of the Central Liquor Dealers' Association, that there were minutes kept? A. You have got them there.

Q. They are all here in these books? A. All here; you will find there that the minutes on my motion was placed in the minutes of the meeting.

Q. Were there ever any transactions had by your central body, or by the so-called executive committee, or, say, special committee, at which it was agreed that there should be no record made of the transactions? A. Never to my knowledge.

Q. Were you ever instructed or requested or were you, or was



there ever an agreement or understanding that any body of officials or members of the Central Liquor Dealers' Association, that no minutes should be kept of certain proceedings or resolutions? A. I believe there were little instances sometimes when a motion was made and seconded, the party who spoke for and against my motion, I took the substance in my own peculiar way of what they stated, and what reasons they gave for objecting or for being in its favor, and placed it on the minutes. There has been several delegates who objected, or rather sometimes denied what I had in the minutes were true, and there was sometime objections made by some of the members of the organization and a vote or a motion had that the objections be expunged from the previous meeting.

Q. I did not have reference to that, Mr. Keilty; what I have reference to is in a meeting of the committee; a committee meeting, a general meeting or special meeting, but any meeting where it was agreed and understood that no minute of the proceeding should be made or minute of the report should be made at that special meeting, have there not been such meetings? A. None that I know of.

Q. Within the period of six years? A. I believe not.

Q. Well, before six years? A. Well, we kept the minutes of the executive committee meetings previous to that by themselves.

Q. I will state to you one or two instances, were there any cases in which members, deputed to do certain work, or committees deputed to do certain work, such, for instance, as touching legislative action, or police actions; weren't the reports of these committees or proceedings of these committees agreed upon that they should not be recorded? A. Not in the sense that you speak, Mr. Goff; I generally took down as much as I could, of everything that was stated, except cases of that kind where somebody would object, and say this is not to go in the minutes, and I did not take any notice of it.

Q. That is just what I mean; weren't there cases where certain members of the organization reported as having done certain things; expended certain moneys, for instance, and it was agreed upon at that time, that that should not go down in the minutes? A. I believe it was not about expending moneys.

Q. Can you swear now, Mr. Keilty, that there was never a case since you have been secretary of that organization, that at the meeting, either by the central body or the executive body, or which a report was made of certain expenses of money, and at



the same time, it was agreed upon that no minute or no record should be made of that fact?

By Chairman Lexow:

Q. You understand, witness, don't you, that it is not the object of this committee to prosecute you or your association? A. I thoroughly understand it.

Q. That we simply want to prevent any other organization or political body from being blackmailed? A. Yes, sir.

By Mr. Goff:

Q. And further, I may supplement the chairman's statement, that this committee is not for the purpose of forming legislation changing excise matters at all, for harassing or annoying the liquor dealers? A. I understand that; I have read the duties of the committee, Mr. Goff.

Q. You understand its principal duty is to try to find out where the system of blackmail or oppression exists, to break it up? A. Yes, sir; I understand it.

By Chairman Lexow:

Q. And we ought to have the support of all good citizens in trying to do it; they should help us do so? A. I understand it; yes, sir.

William F. J. Prella, being called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. How long have you been treasurer of the Central Liquor Dealers' Association? A. Five years.

Q. Who was treasurer before you? A. Fred J. Bolte.

Mr. Goff.—Is Mr. Bolte in court?

Q. Did Mr. Bolte hand over to you any books or account? A. No; not books, but the balance in the hands of the treasurer.

Q. Have you kept a book account? A. Yes, sir.

Q. For many years? A. Bank account; yes, sir; I have not got it with me here; for about two years; ever since January, 1892.



Q. Where is the check-book? A. I haven't got the check-book; it is in possession of our financial secretary.

Q. Mr. McLaughlin? A. Yes, sir.

Q. What became of the vouchers? A. I think I have a few vouchers here that have been issued.

Q. What did you do with the vouchers? A. They are there.

Q. What date did you take office? A. I think it was in 1889, January; I am not quite sure; I will get the check-book.

Q. Can anyone draw vouchers? A. No, sir; it takes four signatures.

Q. And you? A. Three besides myself.

Q. Here are checks, Nos. 137 to 169, inclusive? A. There are more than that there; I had them balances twice; it runs up to 201.

Mr. Goff.— Yes; 137 to 201.

Q. Up to what period of time do these vouchers reach? A. I will tell you exactly by the book; they reach up to March 12th.

Q. This year? A. Yes, sir; 1894.

Q. Is this your treasurer's book, your own book, Mr. Prella? A. Yes, sir.

Mr. Goff.— I wish to have this book marked for identification, and the vouchers.

(Treasurer's book marked Exhibit 5, June 28th, 1894, and package of vouchers marked Exhibit No. 6, June 28th, 1894, both for identification.)

Q. Have you any other books? A. No, sir; I have none.

Q. How about the chairman of the finance committee; does he not keep books? A. He called the meeting together at least once a year for the purpose of examining the treasurer and the financial secretary's books; he don't keep any books.

Q. What is Mr. McLaughlin's name? A. Daniel.

Q. What is his address? A. Corner of West Eleventh and Hudson streets.

(No cross-examination.)

Paul Peter Drothleff, called as a witness on behalf of the State, duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You came from the Tombs? A. Yes, sir.

Q. And are here in custody of an officer? A. Yes, sir.

Q. How long have you been in the Tombs? A. It will be six months now.



Q. Without trial? A. Without any trial.

Q. You have been representing a Kentucky distillery at some time? A. Yes, sir.

Q. And some time prior to last January, did you buy a cafe in Chrystie street? A. Yes, sir; near Houston.

Q. Whom did you buy that cafe from? A. It is a lady, I don't know her name.

Q. Can't tell her name? A. No, sir.

Q. When you had that cafe in your possession, were you called upon by any policeman? A. Yes, sir.

Q. Do you know who he was? A. I know who he was, but I don't know his name.

Q. What did the officer say to you? A. He wanted some protection.

Q. How much? A. He asked me first for a few dollars, and I asked him how much, and he said, "You might go around and inquire how much the other people are paying; and I said I don't know who the other people are; I never had a cafe before;" I said, "Tell me how much;" and he said, "About \$25."

Q. You were not familiar with the business of cafe-keeping? A. No, sir; never had one.

Q. Did you pay the officer the money? A. No, sir; I wouldn't pay him.

Q. How long did you have the place before you saw any more policemen; how soon after did you see a policeman again? A. I seen three of them in a week.

Q. What did they talk about? A. Only about protection.

Q. Did you pay them any money at all? A. I wouldn't pay them; I told the policeman I had better give up my business, for I had to pay \$35 for my rent, and \$25 for my other expenses, and if I had to pay that I couldn't make my expenses out of it, so I had better give it up.

By Senator Saxton:

Q. Did he tell you how often he wanted you to pay him the \$25? A. Yes, sir; that is, if I wanted to have gambling; I said I didn't know anything about gambling, as I wasn't a gambler myself.

Q. You say he said if you wanted to have gambling? A. Yes, sir.

Q. Did you ask him how much without gambling? A. I didn't ask him.



By Chairman Lexow:

Q. Did he claim you had gambling there? A. No, sir; I never had gambling there.

By Mr. Moss:

Q. Did you open that cafe for business? A. It was open; I bought it for to have something to do.

Q. Were you raided; were you arrested? A. What?

Q. Did the police come in your place? A. Yes, sir; not myself; the police called me outside one day, and sent me to the Eldridge Street station; he told me the captain wanted to see me, and I went down for the captain, and he was not there, and then a wardman came, and he asked me to come in the Stanton Street house with him.

By Chairman Lexow:

Q. You were arrested yourself? A. Not myself.

Q. It was your servant? A. Yes, sir; woman maid.

By Mr. Moss:

Q. Was that servant or barmaid convicted? A. Yes, sir; of course she was.

Q. Fined? A. She was sent over to the island for 50 days; \$50 or 50 days.

Q. Sent to the island because she did not pay it? A. Yes, sir.

Q. How long did she stay there? A. About 15 days there.

Q. What was the charge against her? A. About excise.

Q. Violation of the excise laws? A. Yes, sir.

By Chairman Lexow:

Q. In selling liquor without a license? A. Yes, sir; but I didn't have any liquors; my landlord can prove it; I never kept any liquors in my place, so he took the opportunity, as he called me down to the station, and sent me in Stanton street, and in the meantime he came out, this detective, and went in my place, and saw the servant, and said he was sick, and he came in there with another policeman, this policeman, and he said to the servant, he ain't very well, and wanted her to give him something; he said, "Don't you have any liquors; I am sick; let me know if there is any;" he kept saying he was



sick himself, and she said I didn't keep any, and she said, if he was sick she could get him some; after, he asked her if she couldn't get some somewhere, and she sent around on the other corner for some; she said, "If you are sick, I will send for you;" he complained of being sick; they were laying on a chair, and she sent the man around there to the front door and bought the whisky and put it on the table, and he wanted to pay her, and put 10 cents on the table, and she wouldn't take the 10 cents, and she said, "If you are sick, I will treat you with it," and he put a quarter down, and she wouldn't take any money from him.

By Mr. Moss:

Q. You were not present at that time, so we don't care for that? A. No, sir.

Q. After your barmaid was arrested and convicted, did the police employ you to get evidence against some cafes and disorderly houses? A. Yes, sir.

Q. Who employed you? A. The first time I had to do with it was with Mr. Hahn.

Q. Who is he? A. He was the wardman or the second wardman, I don't know, in the Church or Liberty Street station.

Q. He employed you to get evidence against disorderly houses? A. Yes, sir.

Q. What houses, particularly, did he ask you to get evidence against? A. Disorderly houses and gambling-houses, and so forth.

Q. Did he mention any places? A. Yes, sir.

Q. What number did he give you? A. Eighteen Greenwich street.

Q. Who kept that place in Greenwich street? A. Mr. Geiger.

Q. How do you spell it — G-e-i-g-e-r? A. Yes, sir.

Q. Did you get evidence against the place? A. Yes, sir.

Q. Was there a complaint made? A. Yes, sir.

Q. After the complaint was made, were you present at a meeting between Mr. Geiger and Officer Hahn and some people in the saloon? A. Yes, sir.

Q. Where was that saloon? A. On Center street, near the Tombs.

Q. Tell us exactly who was present at that meeting? A. There was Mr. Geiger, Mrs. Geiger, and Mrs. Stolling, and then there



was Detective Hahn and a lawyer, and another detective; I don't know his name.

Q. You were all present? A. Yes, sir.

Q. Were you in the same room with these parties, or outside?

A. I was in the same room first, but afterward I had to go out; they sent me out.

Q. Was the door open? A. Yes, sir; it was open about that much (indicating).

Q. Did you see any money? A. Yes, sir; money was placed on the table.

Q. How much money? A. I can not say that, how much money it was, but as this lady came she told me she gave them money when she came out; she said she got \$300; she gives it to them.

Q. Did you see a pile of money? A. Yes, sir.

Q. Did you see it change hands? A. Yes, sir.

Q. Who took the money? A. The lawyer took the money.

Q. Were the two detectives present? A. Yes, sir.

Mr. Goff.—Any lawyer who could take away money when there are two detectives around, I would like to see him, or make his acquaintance.

Q. After the passage of that money, did the case come up for trial in court? A. Yes, sir.

Q. That is the case against Geiger? A. Yes, sir.

Q. You don't know the court in which the case was tried in? A. Yes, sir; Sessions.

Q. What court? A. Police Court; Special Sessions.

Q. Did you ever dispute with Detective Hahn about something in connection with that matter? A. Yes, sir.

Q. What was that dispute? A. Before I went into this place where I told Mr. Hahn I didn't know what I go for, so he said, "You only do me the favor now, and if you got the change, lay it out yourself, and I will return it to you;" so I did; I laid out \$11, but I couldn't get it back any more, so I parted, and I told him I would have nothing more to do with it.

Q. And you ended your detective work for the police? A. Yes, sir; that ended it.

Q. When they would not pay your expenses? A. Yes, sir.

Q. Shortly after that, did you call upon Dr. Parkhurst? A. Yes, sir; I did.

Q. And gave him various information concerning the Eleventh precinct, and what the police were doing? A. Yes, sir.



Q. Do you remember a particular day when you went to Dr. Parkhurst's house and from that place to the office of the Society for the Prevention of Crime? A. Yes, sir; but I can't say the date.

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

Q. As you came out of Dr. Parkhurst's house, did you observe any policemen watching the house? A. Yes, sir.

Q. Who was there? A. A detective from the Eldridge street station-house, and one from the Fifty-fifth street station-house.

Q. What was their names? A. I do not know.

Q. Didn't you know the detective from the Fifth street station-house? A. I know one of them, but I didn't know him.

Q. Didn't you recognize them as detectives of this station? A. Yes, sir; him; I seen him lots of times in the station-house, but I didn't know his name.

Q. Did you have a conversation with these detectives? A. Yes, sir; he spoke with me; he asked me what I am going to do now, that I will be sorry for it; he says I will be sorry for it, because I have seen Dr. Parkhurst; I guess, "You are turned over, and gone against the police."

Q. He said he felt sorry because you had seen Dr. Parkhurst? A. No, sir; he said I would feel sorry.

Q. What was it he said? A. He said I will feel sorry for it if I turned over, and go against the police.

Q. Do you mean to say he construed your visit to Dr. Parkhurst's house as going against the police? A. Yes, sir; he thought I had told something.

Q. Can you get nearer that date; what month was it? A. That I went to Dr. Parkhurst's house?

Q. Yes? A. It was in December first, and January once.

Q. Did you go down to your business then? A. Yes, sir.

Q. And going down to your district, who did you meet next to speak to after visiting Dr. Parkhurst? A. I met two other fellows that worked for the Fifth street station-house and the Eldridge street station-house.

Q. Two men that worked for the station-house? A. Yes; they asked me if I was going to work for Dr. Parkhurst, and I said I didn't know about it, that I had no idea.

Q. They asked you if you were? A. Yes, sir.

Q. How did they know you were there? A. They followed me with the detectives up.



Q. They asked you if you were working for Dr. Parkhurst?

A. Yes, sir.

Q. What else did they say? A. They didn't say anything at all any more, because I wouldn't answer them.

Q. Did you know a man by the name of Franko? A. Yes, sir.

Q. Who is Franko? A. He keeps a coffee-house in Eleventh street, between Third and Fourth avenue.

Q. Did you have a communication from him at one time? A. About that time I seen him; he sent his man to see me.

Q. How did he come to see you? A. He sent his liquor agent to see me, and told his liquor agent he would like to give up his coffee-house.

Mr. Ransom.—I don't think we ought to take this.

Chairman Lexow.—Leave out the conversation and state what occurred.

Q. What was the nature of the transaction that the liquor agent came to you about? A. He wanted me to go up and see this man Franko.

Q. Did you see him? A. I wouldn't go up; he is in my ward, and I met him on First street and Third avenue.

Q. What did you say to Franko? A. I saw him there.

Q. What was the talk about? A. That I should sell whisky by the barrel.

Mr. Ransom.—It seems to me that this is not within the limits, and that such evidence should not be given.

Mr. Moss.—I shall connect it.

Chairman Lexow.—Do you think you can prove conspiracy?

Mr. Moss.—Yes, sir.

Mr. Ransom.—I would like to know what he is going to prove?

Mr. Moss.—I don't think I ought to reveal what I am about to prove.

Mr. Ransom.—It seems to me if conspiracy is about to be proved, we ought to know it. That don't connect Franko.

Chairman Lexow.—Unless you intend to connect it, it shouldn't go in.

Mr. Ransom.—I will agree that if Mr. Moss states he intends to introduce evidence to that effect, that it will be withdrawn.

Mr. Moss.—In my judgment, I will.

Q. What offers did he make to you on condition of your selling whisky? A. He asked me if I would sell whisky, and I told him yes.



Q. Then what did you say? A. He said you were pulled, were you not, and I said yes, and he said I was pulled too.

Q. He said you were pulled? A. Yes, sir.

Q. And you said yes? A. Yes, sir.

Q. He said he was pulled too? A. Yes, sir.

Q. Did he keep a coffee saloon? A. Yes, sir.

Q. Was there a case pending against him then? A. Yes, sir.

Q. That case? A. Yes, sir.

Q. Against Franko? A. Yes, sir.

Q. Go on with the conversation? A. So he asked me if I could give him an idea how he could get through.

Q. How he could fix it? A. Yes, so I told him it was the best way he could do to engage a lawyer; and he said "What lawyer would you have," and I said, "to get any good lawyer; to go see any lawyer who would take his case; so, he said, "You might know of a lawyer yourself; so you can say if he is all right," so I gave him a card from a lawyer, so he said, would I go down with him, and I said, "I don't know as I got time;" I said, "To-morrow morning, if I get down, I will go with you," so, the next morning, as I came down to my business, I went into Mr. Franko's, and he was not in, and I saw his brother, and he said he was going to Philadelphia to see about money.

Q. No; didn't Franko come to your house? A. I was in to see his brother, or to see him, and his brother said he was up there the same night, between 7 and 8 o'clock, and 8 and 9 o'clock, so I said, "I will try and see if I can see him;" so, I had my samples over there, about 8 o'clock, or a few minutes after or before 8 that I went in.

Q. Did you take your samples with you? A. Yes, sir; so, I asked for a soda, and I got a soda, and Mr. Franko came out and invited me into the back room; he said, "Will you please step into the back room;" and I said, "I will do so;" and I went into the back where he told me I can go down to my business now from there; I have to go over to Philadelphia to start a saloon; that was doing business; when I went in he asked me if I could fix it; and I said, "No, sir; I want to have nothing to do;" I said, "You have to look for somebody else;" he wanted me to take some money for it.

Q. He took out money and tried to give it to you? A. Yes, sir; he said, "You told me the lawyer wanted \$30," and I said, "Did he say that would settle it;" he said, that would settle it for me, and he tried to give me some money, and I wouldn't



take it; I wouldn't have anything to do with it; so, I turned to go, and got my hat and when out of the door; and he said, "Where are you going; what is your hurry;" and I said, "I have got to go over to Third avenue, Mr. Franko, for a few minutes;" and he said, "Wait a moment, and I will go along, and we'll have a drink together;" and I said, "No; I am in a hurry;" but he followed me out with the money in his hand, and as we came outside, he reached me outside of the door, and Detective Taylor was standing over there, and as we came along on Fourth avenue, I saw Mr. Lang.

Q. You knew them both well? A. Yes; I knew them; I never knew them well; no better than anybody else; and as I came out this man followed me; he came to me, and I was about going in Blank's; I said, "I have no time; I know what you are up to;" and he said, "Don't bother me;" and as we came down Eleventh or Twelfth street, he tried to put the money in my pocket, and I gave him a shove, and he fell down, and the money fell on the ground, and there was a woman standing there, and she said, "Mister, you lost some —" and Lang came up, and he grabbed me, and he says, "Hold on, Parkhurst, we have got you now; where did you get that money; where have you got that money?"

Q. He said, "Hold on, Parkhurst, where have you got the money?"

Mr. Goff.—Another Gardner case.

The Witness.—I told him I thought he was crazy, and he said, "You are arrested;" and I said, "All right;" so, he arrested me, and the charge was made against me, and Franko made the charge that I came in and reported myself as a private detective and a Parkhurst agent; now, I never done anything of this kind — never in my life; I never done so in my life.

Q. Now, prior to this time you had been connected in business to a large extent? A. Yes, sir.

Q. And had had some considerable means? A. Yes, sir.

Q. Means which you have lost through no fault of your own? A. Yes, sir; I had a partner who lost me \$6,000.

Q. Did you have a conversation with Captain Cross in the station-house? A. Yes, sir.

Q. Tell us about that? A. He called me about 11 or 12 o'clock the next day, when Franko made the charge that I had received this money, and I said, "Captain —" he said to me, "Why don't you confess it;" and I said, "Captain, I have



nothing to confess;" you must excuse me, but I can't talk the American language very plain.

Q. That's all right; go on? A. So he said to me, "It is better for you to tell the truth; you can get easier through it," and I said, "Captain Cross, I know what you are after; I know what I am doing; I never received a cent, and I never wanted to, but I know who receives money;" so he got mad and wanted to punch me.

Q. Did he present his fist to you? A. Yes, sir; and I said, "I am not afraid of that, Captain Cross," and he said to me, "Go down," and he sent me down again; so the detective took me down again, and a policeman; about 1 o'clock they brought me up again, and there was Policeman Lang and Taylor and the captain, and he said, "Ain't you going to confess?" and I just told him the same thing I told him the first time so he told him again to take me down; he said, "Take him down stairs again; he is excited again;" and they took me down stairs, and at about 2 o'clock they brought me up again.

Q. That is the third time? A. Yes, sir; so he told me he would take me over to headquarters, and I said, "You can take me to headquarters, or any other place; I am not afraid to face anybody;" so he sent me downstairs again.

Q. What time was this? A. About half-post 2 or 3 o'clock in the night time; so in the morning a detective came and put the bracelets on me, and took me over to headquarters

Mr. Ransom.—Wait a moment. I don't think the witness ought to be interfered with in his answer. I want this witness to complete his answer, Mr. Chairman.

Q. Go on? A. I went down to headquarters —

Mr. Moss.—I want to get something before we get to headquarters. I want to ask you a question, and I insist upon it.

Q. While Captain Cross was asking you these questions at the station-house, had you any lawyer present? A. No, sir.

Q. You were in the station-house in the dead of night and Captain Cross trying to extract a confession from you? A. Yes, sir.

Q. Did you want to send for anybody? A. Yes, sir; I wanted to send a message and they wouldn't let me.

Q. Did you ask permission to send a message? A. Yes, sir.

Q. Now, tell us what happened at headquarters? A. They took me down to headquarters and kept me outside of the door, and then the captain went inside, and I see him only that he



was inside about five minutes, and as he came out, Superintendent Byrnes came in the door, and he took a look at me, and he said, "I would not have anything to do with that case; take him down to the court;" I would not lie; that's what he meant, and so the detective and Captain Cross brought me back, and Captain Cross said, "He has more luck than brains;" he meant me.

By Chairman Lexow:

Q. Referring to you? A. Yes, sir.

By Mr. Goff:

Q. That is, that you escaped to the third degree? A. Yes, sir.

By Mr. Ransom:

Q. Did Captain Cross say that you had escaped the third degree? A. That's what he meant.

By Mr. Moss:

Q. Was Mr. Parkhurst's name mentioned by Captain Cross and these detectives in the station-house? A. Yes, sir; they asked me if I was engaged with Dr. Parkhurst, and I said, "No."

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

Q. What day was it you were finally lodged in the Tombs? A. I was brought to the Tombs on the 20th or 21st; I am not sure.

Q. Twentieth or 21st of January? A. Yes, sir.

Q. And you have been there ever since? A. Yes, sir.

Q. How many times have you been taken from the Tombs to court? A. On Tuesday last it was 27 times.

Q. Twenty-seven times you have been taken from the Tombs to the Court of General Sessions? A. Yes, sir.

Q. When was the last time? A. Last Tuesday.

Q. Have you a lawyer? A. My lawyer was Mr. Chandler, but he left after the Dr. Meyers trial, so he gave my case over to Mr. Henry D. Sedgwick.

Q. Have you and your lawyer asked in open court for trial? A. Yes, sir.

Q. How many times? A. And I wrote, myself, to the judge.

Q. What judge? A. Judge Cowing.



Q. Did you get an answer? A. Never did.

Q. Have you been ready and demanded to be tried ever since you were first brought down to court? A. Yes, sir.

Q. Do you know how many district attorneys or assistant district attorneys have handled the papers in your case? A. I think three.

Q. Who were they? A. Mr. Osborne, Mr. Townsend and Mr. Davis, I think.

Q. They pass it along from one to the other? A. Yes, sir.

Q. Did you ever hear an excuse made by the district attorney why you were not tried? A. No; I never did; because I was locked up in the back, and that was in front, and I only seen my lawyer; and I would ask him; and he said they shoved it over; he came to me and said, "Next Tuesday or Wednesday," and so I am still waiting.

Q. Have you any hope of a trial? A. To-day my lawyer told me he was promised by District Attorney Osborne that my case would be tried for sure on the 9th or 10th of June.

By Chairman Lexow:

Q. The 9th or 10th of July? A. Yes, sir.

Mr. Cantor.—What is the charge against him, Mr. Moss?

By Mr. Moss:

Q. What is charged against you? A. For extortion.

Q. How much was it? A. Twenty-five dollars or \$30, I don't know.

Chairman Lexow.—The charge against him is extortion?

Mr. Goff.—It must have been extortion, or attempted extortion.

Q. I think I heard you say you were with Detectives Taylor and Lang around in houses of ill-fame a great deal? A. Yes, sir.

Q. And you say they spoke to you about going to Parkhurst? A. No, sir.

Q. When they arrested you? A. Yes, sir; they spoke to me, and said, "You are a Parkhurst man now."

Q. You must have had considerable knowledge of Detectives Taylor and Lang; you must have seen them a great deal; you have carried on their business? A. I have been together nearly every night with them.



Q. For about how long? A. For about nine weeks.

Q. What were you doing with them; tell us exactly? A. Well, they sent me in the house on Stanton street, 81 or 83.

Q. What for? A. Disorderly house.

Q. To get evidence? A. Yes, sir.

Q. How many houses did you get evidence in? A. Five.

Q. Were all those five houses pulled? A. Yes, sir.

Q. And were the inmates all fined? A. No, sir; not one is fined.

Q. They have been tried? A. They were tried; yes, sir.

Q. Any of them sent to prison? A. No, sir; discharged.

Q. Do you know whether any of them paid money? A. Yes, sir; they told me they paid.

Q. Who told you? A. The owners.

Q. You mean the madames or proprietors of the houses? A. Yes, sir.

Q. And these detectives who got you to go into these houses which they raided, and the cases were tried and the people dismissed; these were the same men who arrested you, and called you Parkhurst? A. Yes, sir.

By Senator Bradley:

Q. Did you ever see the detectives get any money from these people? A. Yes, sir.

Q. Where? A. In Geiger's place, once.

By Chairman Lexow:

Q. Did these madames claim they paid after the arrest or before? A. Yes, sir.

Q. Did they claim they had paid before they were arrested? A. Had been paying before, and paid after; that's what they claimed.

Q. Where is Franko's saloon? A. On Eleventh street, between Third and Fourth avenues, but I guess he has not got it any more.

Q. You think he is out of business now? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. Mr. Witness, where did you live before you came to New York to open this cafe? A. One Hundred and Twenty-fourth street near Eighth avenue.



Q. What was your business there? A. I kept a confectionery store, 2314 Eighth avenue, near One Hundred and Twenty-fifth street.

Q. What did you do before that? A. I had a cloak manufactory in Bleecker street.

Q. What was your business before that? A. Traveling for a clothing house.

Q. In this city? A. Yes, sir.

Q. What was your business before that? A. Before that I came over to this country from Europe.

Q. When was it you were engaged or employed for this distillery in Kentucky? A. That's the last time, when I was in business, and I returned from Europe, and I came back I found my partner had ran away, and I was bankrupt, and I lost \$6,000 worth.

Q. How long have you lived in New York city? A. It is now about six years.

Q. Are you a married man? A. No, sir; I am not.

Q. How long were you engaged in the business of procuring evidence for the police for disorderly houses? A. Only nine weeks, thank God, and that was only because they forced me; I had my store over there.

Q. You would not have gone into that business if you had not been forced to it by the police? A. Yes, sir.

Q. You swear to that, do you? A. Yes, sir.

Mr. Ransom.—Well, I don't want any more evidence after that. That is all.

By Mr. Moss:

Q. You say you kept store before that? A. Yes, sir.

Mr. Goff.—I would now request an adjournment.

Adjourned until Friday morning, at 10:30 a. m.



Proceedings of the 25th session of the committee, June 29, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, George W. Robertson and Jacob A. Cantor; John W. Goff, Frank Moss and W. Travers Jerome, counsel for the committee; De Lancey Nicoll, of counsel for the police board.

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

Mr. Goff.—Mr. Chairman, this witness is a Greek, and I have secured the services of Mr. Bardy, a reputable gentleman, who will interpret for us.

George T. Bardy, was sworn as interpreter.

Mr. Goff.—I request, Mr. Chairman, that you state to this witness the conditions under which he comes here to testify in regard to the resolution appointing the committee.

Chairman Lexow.—Tell the witness that he is to understand that in giving testimony before this committee with reference to bribery or corruption, that that testimony can not be used against him in any trial or suit or proceeding, nor for the purpose of securing an indictment against him, and the indictment is barred, and any prosecution for it is barred. (The interpreter interprets the chairman's direction.) All he has to do is to tell the truth and fear nothing. Does he understand you?

The interpreter.—He understands me.

Mr. Nicoll.—Has he taken the oath?

Chairman Lexow.—Yes.

Mr. Nicoll.—What oath?

Chairman Lexow.—The oath on the Bible, the regular oath, it has been translated to him.

Mr. Nicoll.—Does he regard that oath as binding?

Chairman Lexow.—I suppose so; why not? Ask him whether he is a Christian and believes in the Bible.

The Interpreter.—Yes; he is of the Orthodox Church.

Direct examination by Mr. Goff:

Q. What is your business? My questions, Mr. Interpreter, I will direct them to the witness, and you take the questions and translate them to the witness, and give us his answer.

The Interpreter.—Yes.

A. At present I am not employed at anything.



Q. What were you employed at some months ago? A. About a couple of months ago I had a push-cart; about two months ago I had a push-cart.

Q. What did you sell? A. Fruits.

Q. Where did you go with your push-cart? A. I was standing corner of Barclay street and Broadway.

Q. Had you a license? A. Yes, sir.

Q. Did you stand there all the time, or did you go around the streets to sell your fruits? A. I was standing there all the time; four months; every day.

Q. How long were you standing there? A. For four months.

Q. What were you doing before you had a push-cart corner of Broadway and Barclay street? A. I was selling with the push-cart around the streets of New York.

Q. How long have you been in America? A. Three years.

Q. Was the license or permit to have a push-cart in the streets given to you in your own name? A. Yes, sir.

Senator Bradley.—When you give it in English, speak a little louder, so the reporters over here can hear you; they can not hear you there.

Mr. Goff.—My impression is, Mr. Chairman, that the ordinance of this city requires none but citizens be granted a license.

Senator Bradley.—That is so.

Mr. Goff.—That is my impression; I would not say it positively, but that is my impression that is an ordinance of this city.

Chairman Lexow.—It would be a very proper one, if it was not.

Mr. Goff.—I think that is so; I have not read the ordinance recently, but I have a recollection that is the law.

Mr. Nicoll.—You mean to say a Jerseyman could not get a license?

Mr. Goff.—A Jerseyman may be a citizen of the United States. I mean a citizen in the broad sense of the term, because a man in Nebraska, for instance, becomes a citizen by a year's residence. Any citizen. I think that is the law here.

Q. Do you know many Greeks who have licenses for push-carts? A. I know some have licenses, and I know others have not.

Q. And while you had your push-cart at Broadway and Barclay street, did you have to pay anybody anything for keeping your push-cart there? A. I was paying to the wardman.



Q. How much were you paying to the wardman? A. I was paying \$15 a month.

Q. Fifteen dollars a month for a push-cart; where did you pay the wardman the money? A. I paid it to him myself at the station-house; other times I paid it to an Italian young man who was to give the money to the wardman.

Q. Sometimes — many times, he paid at the station-house? A. Yes, sir.

Q. And other times you paid to an Italian young man for the wardman? A. Yes, sir.

Q. Is that it? A. Yes, sir.

Q. Give us the answer louder, Mr. Bardy; all these gentlemen want to hear it; when you paid money at the station-house, to whom did you give the money? A. I paid to Mr. Wilson; I know the name to be Mr. Wilson.

Q. Is that the name of the wardman? A. I think so; I am not positive.

Q. Who told you to go to the station-house to pay the money? A. I heard from others who went there.

Chairman Lexow.— Speak up; we can not hear.

The Witness.— I heard from others who went there, and I went myself.

Q. Who were the other persons you heard from? A. I know Italians and Greeks.

Q. Were they push-cart men? A. Yes, sir.

Q. What were you told by them? A. They didn't tell me anything; but I went to the station-house, and I seen them there, so I went and paid myself.

Q. What did you pay for? A. I paid for to leave me stand at the corner, because if I would not pay they would not leave me stand there.

Q. Because if he would not pay they would not leave him stand there; well, before he paid, did any one tell him he should pay or he would be driven away from there? A. Nobody came there to tell me that I could not stand; but I knew that I could not stand there unless I would come and see somebody; and so I went to the station-house, and fixed it up beforehand before I went to stay on the corner.

Q. You went to the station-house to fix it up before you put your push-cart on the corner? A. Yes, sir.

Q. When you went to the station-house first, did you see this wardman Wilson? A. Well, I went there; the third time I saw him; I went three times, and the third time I saw Mr. Wilson.



Q. What did Mr. Wilson say to you, and what did you say to Mr. Wilson? A. I asked Mr. Wilson to give me some corner to stand with my push-cart, and he said, "All right;" he will find out which corner to give me, and so, after one week, he gave me this corner, corner of Barclay street and Broadway, and I paid Mr. Wilson the \$15; that was the understanding for each month to pay \$15.

Q. Did Mr. Wilson say to you the amount of money you would have to pay him for standing corner of Broadway and Barclay street? A. The first two months, sir, I paid \$10 per month; the first two months I paid \$10 per month, and the third month I wanted to put some chestnuts in addition to my push-cart, and I put a chestnut-stand outside, and Mr. Wilson told me I had to pay some more; and then I was paying \$18 a month.

The Witness.—Fifteen dollars.

The Interpreter.—Fifteen dollars a month.

Mr. Nicoll.—Don't the witness understand the English language? He has corrected you there.

The Interpreter.—Very little; he knows 18. He knows to count.

Q. So you paid \$5 extra for the peanut-stand? A. The chestnut-stand.

Q. Now, how did you come to pay the Italian money? A. This Italian young man, sir; he is a bootblack.

Q. Speak up; we can not hear you at all? A. This young Italian man is a bootblack at the station-house, and he came around the first two months and was collecting money from others, and so I paid it; I knew it was for the wardman.

Q. What is that Italian's name? A. I don't know.

Q. Did you recognize the Italian that came around to you to collect as the Italian bootblack in station-house in Church street? A. Yes, sir; I recognize him to be the bootblack.

Q. Now, when you paid the \$15 at the station-house, did you get a piece of paper, or a ticket? A. He gave me a piece of paper, and I lost it.

Q. What was the piece of paper he gave you? A. There was a piece of paper; I don't know what it was for, but it was some letters on it that I could not understand; it was a book like—a small book—and I only understand it was corner of Barclay street and Broadway; the other letters I could not make out.

Q. You mean to tell us, Mr. Witness, that this little book you got in the station-house from Wardman Wilson had on



it a mark, "Barclay street and Broadway;" is that so? A. Yes, sir.

Mr. Goff.—You understand that, Mr. Chairman and Gentlemen. I wish to call your attention to that here. That when he paid the wardman the \$15 in the station-house, he received a little book from him which the witness did not understand, except the words written inside, "Barclay street and Broadway."

Q. Well, did you receive a book?

By Senator Cantor:

Q. Was it a pass-book?

Mr. Goff.—He says a little book; that is the best description we can get.

Q. Was the little book an advertisement book? A. That little book, sir, it was one book which I see given out in the street; I suppose it was some kind of book for advertisements; I don't know what.

Mr. Goff.—I know what the book is, gentlemen.

Senator Cantor.—Was there anything in writing on the back.

Mr. Nicoll.—Have you seen this little book?

Mr. Goff.—Yes; I have. Unfortunately, I haven't one. No; this is not the issue.

Q. Just ask the witness if the little book I hand him now is like the one that he got from the wardman; just let him look at it, the cover, I want? A. I am not positive; I could not say; I think it is the same like this.

Q. He thinks it is the same like this.

Senator Cantor.—I suppose it is about the same size, he means.

Mr. Goff.—As matter of fact, this is one of the books.

Senator Cantor.—This is no connection between the name of the firm and him?

Mr. Goff.—No; that is why I did not mention it.

Q. Was it inside the book you got, was it in pencil writing, the place where you should stand with your push-cart? A. Yes, sir.

Q. Now, what were you given the book for? A. I understood they gave me that book to know the date when I had to pay.

Q. To know what; the date? A. When I had to pay.

Q. Well, but wasn't there something said to you that in case you were arrested by the police, that you show that book to the



sergeant at the desk in the station-house? A. No, sir; I was not told anything like that; and I never went into the station-house to show a book; I was arrested many times, but I never showed the book.

Q. Did you know of any push-cart men who were arrested, and who showed the book when they were arrested and brought to the station-house? A. No, sir.

Q. Is it not a fact that any push-cart man that had that book was not to be arrested; weren't you told that? A. Well, I know in some cases some were arrested, and they showed that book and the officers would let them alone.

Q. And the push-cart men who hadn't that book, they were arrested; isn't that true? A. Yes, sir; I know it.

Q. How much money did you pay altogether for keeping your push-cart at the corner of Barclay and Broadway? A. I paid to the man \$50.

Q. How long was that ago? A. It was the last season, sir.

Q. The last season? A. Yes; about August, September and October.

Q. How did you come to get out of the push-cart business, George? A. I engaged myself in a restaurant, keeping at Roosevelt street, for my countryman; that is why I left the business.

Q. Had you anything to pay in Roosevelt street, George? A. No, sir.

Q. You are working in the restaurant? A. At the present time; no, sir.

Q. He is not working there at present?

The Interpreter.—No, sir.

Q. Can you tell how many push-carts paid to Wardman Wilson while you were paying; the number of push-carts that paid? A. I am not positive, but I think about 25 or 30 push-carts.

By Chairman Lexow:

Q. Ask him whether it was the generally understood custom in his particular business to pay money to wardmen for the privilege of having push-carts on the street? A. Yes, sir; I was peddling in the streets of New York before I paid, and I was every day getting arrested, and business standing on the corner was better for me, and when I found out they were paying I paid myself to stand there. (Answer read at the request of Mr. Goff.)



Q. Do you mean by that that you found out the others engaged in the same business were contributing to this police fund? A. Yes, sir.

Q. And that it was a general custom of that business to do that? A. Well, I know it was the custom, because a good many that were not paying they were getting arrested every day in the streets; so all were compelled to make arrangements and pay something to have some corner to stand on.

Mr. Goff.— You may examine.

By Senator Bradley:

Q. Ask him if he knows his little book? A. I don't know now.

Cross-examination by Mr. Nicoll:

Q. When was he last arrested? A. It was last September, sir; last September I was arrested.

Q. Was he fined? A. I was put under \$300 bail, and I got out on bail, and I was fined \$5 at Special Sessions.

Q. When was he arrested prior to that? A. I don't remember, sir.

Q. Well, can't he tell within a month or two months? A. Well, I was arrested before that many times; but the four months I stood on that corner I was arrested once.

Q. Was he arrested during the time that he says he was paying the police for protection?

The Interpreter.— Yes; he said once.

Q. When was that; don't you testify now?

The Interpreter.— He said to me once.

Q. I know; you put every question I put to him directly, as I put it? A. That was one time I was arrested while I was the four months I was paying; that was in September.

Q. Was that the only time that he was arrested during the time in which he says he was paying the police? A. Yes, sir; that was the only time.

Q. Do you understand English?

The Witness.— Yes. I can not speak; I can not speak.

Q. Do you understand it?

The Witness.— I understand a little.

Q. When did you first commence to push a cart in the city of New York, do you understand that? A. Yes; I know; but I can not speak.



Q. Do you understand that? A. Yes; I know that.

Q. When? A. I can not speak.

Q. What? A. I can not speak.

Q. You can not speak? A. Yes.

Q. You can not speak English? A. No.

Q. Can't you speak enough English to tell me when you first commenced to push a cart in the city of New York? (No answer.)

Q. What; do you understand that? A. No; I don't know.

Q. Do you understand it; what? A. No.

Q. You did not understand? A. No.

Q. The question of mine; what? A. I don't know.

Q. How long have you been in the city of New York; three years ago? A. Three years ago.

Q. You understand that? A. Yes.

By Chairman Lexow:

Q. Three years, do you say? A. Yes; three years.

Chairman Lexow.—Just use your voice; there is nothing to be alarmed at.

By Mr. Nicoll:

Q. On what date did you first commence to make payments to the Italian bootblack? A. That I can not speak.

Q. You can not speak; now, we will go on.

The Interpreter.—Shall I ask him the question?

Q. You ask him the question: What was the time of your first conversation with a wardman said to be called Wilson? (The interpreter again interprets for the witness.) A. I do not remember, sir, exactly the date.

Q. Where was it? A. Another young man told me he had a place, and I went and met Mr. Wilson outside of the station-house.

Q. Was it outside the station-house that the first incident took place? A. Yes, sir.

Q. Who was present? A. Nobody was present.

Q. But Wilson and himself? A. Yes.

Q. What was the first thing that Wilson said? A. I asked Mr. Wilson to give me some corner to stand, and he told me, "Yes, I will give you some corner, but you have to pay me \$10 per month."

Q. What then was said? A. He told me that he would give me a place and I went after one week, and he gave me the place.



Q. Was this conversation with Wilson conducted in Greek?

A. The other young man, who told me that they were paying, he explained to Mr. Wilson that I wanted a place.

Q. I understood him to say that at the interview with Wilson, in which the conversation which he has repeated, that no one was present except Wilson and himself; see if that is not true?

A. When I first met Mr. Wilson, it was with this young man who told me they were paying money.

Q. Is his statement he made a few moments ago that, at this first interview with Wilson, nobody but Wilson and himself was present, true or untrue? A. I want to say, at the time I paid the money, there was nobody else present; but the first time I asked Wilson to give me the place it was through this other young man, because I did not know Wilson.

Q. Was the conversation conducted in Greek? A. Well, this young man had told Mr. Wilson what I wanted, and he knew very well, and there was no need for any conversation at all.

Q. Well, if there was no need for a conversation why has he testified twice to a conversation with Wilson on the first interview; ask him for that? A. It was the first time, as I said, that this young man spoke to Mr. Wilson about me, that I wanted a place; the second time I met Mr. Wilson I paid only the money.

Q. Have you ever made any agreement with Wilson personally to pay any money; did he ever make a personal agreement with Wilson to pay any? A. There was no special agreement, sir; but so much everybody were doing.

Q. Did he ever have any conversation with Wilson on the subject of paying money; ask him that himself? A. I have no conversation; I knew only from others; my countrymen — that they were paying \$10.

Q. Is it true, then, he never had a conversation with Wilson on the subject of paying money? A. I have no conversation, sir; the first time I went to the young man, as I said.

Q. Why did he testify, in reply to Mr. Goff, and also in reply to me a few moments ago, to the details of a conversation with Wilson? A. As I said, the first conversation I had with Wilson, it was through this other young man who could speak English.

Q. That is not an answer to the question; read the question again to him?

Q. (The question was read by the stenographer.) What did he testify in reply to Mr. Goff, and also in reply to me a few



moments ago, to the details of a conversation with Wilson?

A. I had a conversation through the interpreter; this young man was interpreter.

Q. What was the date, approximately, of the conversation with Wilson? A. I don't remember, sir.

Q. Can you tell the year? A. Eighteen hundred and ninety-three.

Q. The month? A. It was in July.

Q. What was the date, according to his testimony, of the first payment to Wilson? A. I don't remember, sir.

Q. Was anyone else present when he paid it? A. No, sir.

Q. Was anyone else ever present when he paid the money to Wilson, except Wilson himself? A. No, sir; never.

Mr. Nicoll.—That is all.

Mr. Nicoll.—Mr. Chairman, according to the morning journals, late yesterday afternoon, a witness, named Drothleff, testified to some story of alleged persecution, from which the committee were asked to infer that he had been made the subject of some persecution on account of his attitude toward the police. I understood the witness to say that his case in the district attorney's office had been adjourned 26 or 27 times.

Chairman Lexow.—Twenty-seven times.

Mr. Nicoll.—Twenty-seven times; and he represented to this committee that there was apparently some systematic effort to postpone his trial for the purpose of keeping him in the Tombs as a punishment for what he had said or done. Now, it appears from the records of the district attorney's office that this witness is under three indictments, not one; two of which were found on the 25th day of January, 1894, and one of which was found on the 15th day of February, 1894; the first two being for grand larceny and extortion, and the second for extortion. It also appears that this case, from memoranda on the papers, with which Mr. Goff and myself are familiar, that the case was on the calendar of the February term; and it was postponed at the defendant's request; that it was on March 13th again, and the complainant was absent; that it was on the June term, 1894, and postponed upon the request of defendant's counsel. I think it is only fair that a note of these items should be made, and of these indorsements, for the purpose of being put alongside of the testimony of the witness.

Mr. Goff.—I have no objection to it.

Chairman Lexow.—How about the other 24 times?



Mr. Goff.— We have no records of that. I have no objection to have it put on the record. Now, Mr. Nicoll is always quick to take advantage, of course, of our kindness. He sent for these papers.

Mr. Nicoll.— And also sent the clerk back and told him you did not want him.

Mr. Goff.— We did. Now, you took advantage of our courtesy, and we will take advantage of yours. Of course, it will be noticed that two of the indictments are found on the same date — the 25th of January, and each of the indictments is for acts growing out of the same transaction, because it is like indicting a man for larceny and also indicting him for receiving stolen goods; or, in other words, putting half a dozen counts into the indictment, covering the same transaction, and pleading the same offense in different ways. So that disposes of two indictments. The other indictment is —

Chairman Lexow.— Two weeks later?

Mr. Goff.— Two weeks later; growing out of the same transaction also — extortion; so that the three indictments are simply for the one offense.

Mr. Nicoll.— Why do you say that?

Mr. Goff.— The facts are the same.

Mr. Nicoll.— Do you say you have investigated?

Mr. Goff.— Yes; we know. Let me say further, it is but just that, as the witness testified to yesterday, that on one of the documents to the 15th of February, the name Chandler is indorsed, which means Mr. Chandler was assigned counsel, this prisoner being too poor to employ counsel; and as he explained yesterday Mr. Chandler having gone to Europe, after the Dr. Meyer trial, and before the Dr. Meyer trial, Mr. Chandler was so engrossed and engaged in the Dr. Meyer trial, he could not tend to anything else, and that he obtained one adjournment on the part of the defendant's counsel.

Mr. Nicoll.— If Mr. Goff has such a pat explanation of all this, it is peculiar that he sent this testimony out of court?

Mr. Goff.— I don't think that. Also, we find in the papers here, a notice of motion to dismiss the indictment, signed by Henry D. Sedgwick, Jr., counsel for the defendant. (Mr. Goff then read notice of motion and affidavit.)

Mr. Nicoll.— Now, it appears it was put on the calendar in consequence of that motion, and on the 20th of June postponed by the defendant's counsel, at his own request.

Mr. Goff.— Let us see.



Mr. Nicoll.— Isn't it?

Mr. Goff.— That appears to be. Of course I would like to hear Mr. Sedgwick. Here is a memoranda and a motion has been pending here. The motion was made before this date; and this is a memoranda not signed by anyone, in pencil. I know it has been the practice in the district attorney's office, that where a memorandum of that kind was put on an indictment that the assistant having charge of the indictment would sign his initials to guarantee the accuracy of it; but there is no name whatever signed to this memorandum, and, non constat, that memorandum may have been made by a subpoena-server up at the district attorney's office, and we are not bound by that.

Senator Cantor.— It says it was adjourned by the defendant's counsel?

Mr. Goff.— Yes.

Senator Cantor.— Would not the memoranda be made by the clerk of the court?

Mr. Goff.— Oh, no, Senator, by the assistant in charge.

Mr. Nicoll.— It is not necessary to get so disturbed about the matter. I thought it is necessary to inform the committee about that. You need not take up the time of the committee with an elaborate explanation. I knew nothing about this, and the clerk was going out of court, and handed them to me. I knew nothing about it.

Mr. Goff.— My friend Nicoll has thrust his head into a hornet's nest, and he wants to get it out as quickly as possible. I wish to call the committee's attention, also, to another matter that has come to my attention on these papers as a further corroboration of the witness' testimony yesterday. It is not only the law, but the rule, that the names of witnesses must be inscribed upon the indictments, and also on the complaint; and I find upon each of those complaints, that the only witnesses against this man are officers from the central office — Jacobs and Dunn, officers C. O. precinct, that means central office. They are the witnesses in one case; and the complainant, that is, the stool-pigeon, Lazarus Birnkoff, that is on the indictment. The next indictment the officers are Taylor and Lang, Fourteenth precinct, and "Inquire of Franko" as a witness. That is the man that kept the place there.

Chairman Lexow.— Franko is the man that claimed extortion was attempted on him.

Mr. Goff.— Yes; that is what I say; "Inquire of him."



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

Direct examination by Mr. Goff:

Q. Can you speak English? A. No; I can not speak.

Chairman Lexow.— Translate the oath to him.

The interpreter, Mr. Bardy, translated the oath.

Q. Now, what is your business; now, Mr. Bardy, raise your voice a little higher to us? A. I am a peddler, sir; a push-cart.

Q. Did you stand at any particular corner? A. Yes, sir; I stand in corners, and when I see any officers coming around I take my push-cart and move on.

Q. You don't wait to be told to move on, do you? A. Yes, sir; sometimes I don't see the officer, and he comes along, and drives me away; so I take my push-cart and move on the street.

Q. Have you a license, Constantine? A. Yes, sir.

Q. And what streets do you generally frequent? A. I go around Wall street, Exchange place, Nassau street, William street; all around those streets.

Q. Have you ever paid the police anything — any money? A. No, sir.

Q. Have you ever been arrested? A. Yes, sir; many times.

Q. Were you fined? A. Yes, sir.

Q. How much? A. Ten dollars, and \$5; at times I was fined \$10, and at times \$5, and one time I was one month sent to the city prison for one month, to Blackwell's Island for one month.

Q. All for the push-cart business? A. Yes, sir.

Q. Did the wardman ever visit you? A. Yes, sir; he came around a chasing me away where I was standing.

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

By Chairman Lexow:

Q. Do you understand English? A. I know a little bit.

Q. Can you understand the oath? A. Yes, sir.

(Oath administered to witness.)

Q. What is your name? A. Peter Skadias.

Q. What is your business, Peter? A. I am a peddler.

Q. What do you peddle, Peter? A. I have a push-cart.

Q. Fruit? A. Yes, sir.

Q. What streets do you go in, Peter? A. I am going all over.



Q. What streets do you generally go in; what part of the city? A. Wall street, Fulton street, Nassau street, Liberty street—any place at all—Fulton street, Park place, City Hall—all around.

Q. Have you a license? A. Yes, sir.

Q. Do the police ever trouble you? A. Yes; they chase me away all the time.

Q. You never pay them any money? A. No.

Q. Were you ever asked for any money? A. No; nobody asked me for the money at all.

Q. You are afraid to testify against the police, are you not? A. Well, if come any, I move from the police.

Q. Are you afraid to testify against the police? A. No; I am not afraid.

Q. Are you afraid to testify against them at all? A. No; I am not afraid.

Q. Weren't you told, when you came here this morning, not to say anything against the police? A. I don't know that.

By Chairman Lexow:

Q. Didn't somebody tell you not to say anything against the police, this morning? A. No, sir.

Q. Nothing at all? A. I say nothing at all.

By Mr. Goff:

Q. Don't you know the push-cart men have to pay the police? A. I don't know anything at all.

Q. Did you ever hear of it? A. No.

No cross-examination.

Demos Skadias, called as a witness on behalf of the State:

By Chairman Lexow:

Q. You understand English? A. No.

Q. Not a bit? A. No.

Mr. Bardy was called to interpret the witness, and the oath was administered to the witness, who testified as follows:

Chairman Lexow.—Tell him that anything he may say here—tell him this, and tell it to him carefully—anything he may say here with regard to bribery is privileged; that no action can be brought against him, or proceeding; that no indictment



can be secured against him; he can not be punished for any confession made by him here that he has bribed, it is a bar against any proceedings to be brought against him hereafter. All he has to do is to tell the truth; because, if he commits perjury, he can be punished. Ask him if he understands all that?

The Interpreter.—Yes.

Direct examination by Mr. Goff:

Q. Are you a push-cart peddler? A. Yes, sir.

Q. Where do you go with your push-cart? A. I go around the streets of New York; all around the street.

Q. Have you got a license? A. Yes, sir.

Q. Were you ever arrested? A. I was.

Q. Were you ever fined? A. I was arrested three times; two times I was discharged, and one time I was held under \$50 bail, which I was tried and fined \$3.

Q. Well, when you were discharged, did you have a little bit of paper that you showed to the sergeant—a little book? A. No, sir; I had no ticket.

Q. Did you ever pay any money to the police? A. No, sir.

Q. They chased you, too? A. Yes, sir.

Mr. Goff.—I do not want to take up our time.

Chairman Lexow.—Ask him this question: Whether he knows that, where a peddler in his line of business got from the police a right to stop or have his stand in a certain place, they paid for it; and when they travel around the city like he does, apparently, they do not pay for it; ask him whether that is the custom? A. I don't know, sir; I could not say that anybody paid; I, myself, was standing in the place where I had the permission of the owner of the building, and I was standing there, and sometimes many officers were chasing me, and I went away; any time they leave me alone, I could stay there.

No cross-examination.

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

By Chairman Lexow:

Q. Do you understand English? A. Yes, sir.

Chairman Lexow.—You understand any testimony you may give in reference to bribery—payment of money to any public



official or policeman is privileged; that if it is true that you did so, and you confessed it here, that confession will be a bar to any prosecution against you for it; you can not be indicted for it.

Direct examination by Mr. Goff:

Q. Are you a push-cart man? A. No, sir.

Q. What is your business? A. Oysters.

Q. Where do you keep your stand? A. Twenty-seventh street and Eighth avenue.

Q. Have you a stand outside your oyster place? A. Inside the stoop line.

Q. Oh, inside the stoop line? A. Yes.

Q. How do you know it is inside the stoop line? A. What is that?

Q. How do you know it is inside the stoop line? A. Well, I keep it there every night.

Q. Who told you that? A. Well, I—

Q. What; who told you about the stoop line? A. Well, I got the privilege of the parties inside the store.

Q. From the parties? A. Yes, sir.

Q. Did the police ever trouble you? A. No, sir.

No cross-examination.

Patrick Ryan, 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. Packing boxes.

Q. Have you more than one place of business in New York? A. I have, sir; three.

Q. Please give us the names of the three? A. One hundred and nine Reade, 58 Bleecker and Morton and Washington.

Q. Your business is to manufacture these boxes for the use of drygoods houses? A. We buy them from the different houses that has them for sale; we take them to our place of business and overhaul them and repair them, and send them off and sell them to whoever wants them.

Q. It is overhauling and repairing them, as it were, and putting them in shape to sell them again? A. That is it.

Q. You find it necessary for your business to occupy the sidewalk more or less? A. We do, and we handle a good deal of



this stuff, to the matter of 600 or 800 a day; we have a large place, and at the same time we take up a great deal of room, and we economize room as much as we possibly can, but at the same time we are obliged, sometimes, so much that we can not help incumbering.

Q. You must do it sometimes? A. Yes, sir.

Q. Have the police interfered with you sometimes for incumbering the sidewalk? A. Yes, sir; a great deal.

Q. Well, have you had any arrangement with the police? A. No, sir.

Q. About incumbering the sidewalk? A. No, sir; I fought my battles in courts.

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

Q. You have been subpoenaed by the corporation attorney? A. I have, sir; repeatedly.

Q. And paid your fines? A. Yes, sir.

Q. Was there ever any suggestion made to you by any man, either a member of the police force, or representing the police force, that you could arrange it with the police? A. Well, there wasn't anything as strongly as that you put it.

Q. Sir? A. Nothing in that kind of language; that is a little too strong; they hinted to me in a kind of way; and I could not tell whether he meant it or not; nothing from anyone in authority.

Q. Were you talking to any police official there in the matter? A. No, sir.

Q. Have you ever given the police any consideration at all — anything? A. What I consider a consideration would be money; now, I have a great deal of refuse in the state of cuttings and something like that; an officer on the post might say, "Can I have a box of that wood;" I would say, "Certainly, I am glad to get rid of it;" it is not money; never suggested anything of that kind to me.

Q. You have never given any money? A. No, sir.

Q. Or authorized anyone to give any money to police officials? A. No, sir.

Q. You are very clear about that, Mr. Ryan? A. Well, to all intents and purposes I am; I think I am right on that point; because, as I said before —

Q. If you had given any money, Mr. Ryan, would you know about it? A. It is most likely I would.



Q. Can you say now, on your best recollection, you have never given any money or authorized anyone to give any money for you? A. No, sir.

Q. To any police official? A. Yes, sir.

By Chairman Lexow:

Q. Has anybody come to you, Mr. Ryan, and said that if you would pay something, that these constant prosecutions of yourself for violating the ordinance might be avoided? A. No; I don't remember that.

Q. Nor suggested that? A. No, sir.

By Mr. Goff:

Q. I hand you a check stub-book, which you have brought into court this morning? A. Yes.

Q. In response to a subpoena duces tecum from me; the book indorsed from October 29, 1892, to March 9, 1893; and ask you if that book is a stub check-book? A. That is the stub check-book.

Q. That you use in your business? A. Yes, sir.

Q. I merely wish you to identify it, Mr. Ryan? A. Yes, sir; that is the book.

Mr. Goff.— We will mark that for identification.

(Book marked Exhibit 1, for identification, of this date.)

Q. Now, I turn to check No. 1004, dated "November 12, 1892, account \$100 to captain of police;" what was that check for? A. Captain of police.

Q. Just look at it? (Witness examines book.) What date was the check, Mr. Goff?

Q. November 12, 1892? A. "Captain of police;" it is there in black and white; I suppose the check must be drawn; I won't—I merely signed those checks; I don't write those checks; I sign those checks.

Q. Just a little louder so everybody can hear you? A. But I don't write them.

By Senator Bradley:

Q. That is not in your handwriting, is it? A. No, sir.

Q. Whose handwriting is that? A. I believe that is a young man's, named Connor, that used to keep the books for me about that time.



Senator Lexow.— Let me see it.

Mr. Goff.— The bottom of the page, Senator.

Mr. Nicoll.— What is the amount?

Mr. Goff.— One hundred dollars.

By Mr. Goff:

Q. Now, Mr. Ryan —

By Chairman Lexow:

Q. Do you remember signing that check now, Mr. Ryan? A. Well, the way I do, your honor, is —

Q. You want to be a little more careful, you know, that is pretty serious? A. I go to my business, that is the office proper, on a Friday, about once a week, I am at my main place, that is where the greater portion of the business is transacted at the corner of Morton and Washington; I sign a bunch of checks, for perhaps half a dozen or a dozen at a time, in case I should not be on hand my bookkeeper would be able to fill the bill and shall pay expenses.

Q. Didn't he make returns to you afterward; didn't he tell you afterward what he used the blank check for? A. The young man that has kept my books; now, he is my son, consequently, I do not look it up perhaps as sharp as I might if he was a stranger.

Q. This was your son that wrote that? A. I don't think it was.

Q. You mean to say the person who used that check used it unauthorized from you to do so? A. No; he must have authorization in some shape or other.

Q. Do you remember by refreshing your recollection by seeing that in the check-book; do you remember the time that check was drawn? A. It was drawn about that date, of course.

Q. Did you give that check? A. Not personally.

Q. Did you see the captain? A. Sir?

Q. Did you see the captain? A. The captain?

Q. Yes? A. I don't know what captain it was.

By Senator Bradley:

Q. You keep all your old checks when you get them back? A. I do.



Q. You have got that check? A. I guess I have; I must have it; you know there is a lot of checks that are paid out to the corporation attorney, Mr. Goff.

By Mr. Goff:

Q. Those checks were for fines? A. Yes; paid for fines.

Q. Now, in 1892, the time this check was drawn, what captain was in the precinct? A. At that time; in the precinct? Well, you see, I could not tell which precinct this is intended for; I am in three different precincts.

Q. You could not tell which precinct this check was intended for? A. No; not intended for.

Q. And you have got a shop in different precincts? A. I have; three different precincts.

Q. And, of course, what you have done in one precinct, you have done in the other precincts? A. Well, I don't know about that either; some people are lenient in these things, and other people are severe.

Q. When you said you could not tell which precinct this check was for? A. I can not now; I would have to refresh my memory up.

Q. Don't you mean us to understand that you did the same in other precincts—drew checks for the other precincts as well? A. No; I do not; no; don't take my testimony in that light; I hope you won't; because that has nothing to do with that; what is done in one is not done in the other.

Q. We would be very pleased if we could hear you louder? A. All right.

Q. You mean by that some captains are better than others? A. Some captains are more respectable than others, because my business requires a room; it a business you can not put in your vest pocket, and travel off with.

Mr. Nicoll.—Mr. Ryan, would you mind talking a little louder so I can hear you.

The Witness.—All right.

By Chairman Lexow:

Q. You don't mean to say when a captain, in your judgment, took a more business-like view of it was by refusing to take money to permit you to incumber the sidewalks? A. I never had a captain ask for money from me.



Q. When this captain received the \$100, it was because he did not understand the situation? A. I don't know what you mean by this captain or that captain.

Q. You drew a check to the police account? A. I did not draw it at all; I signed the check before it was made out.

Q. You know where the check went to? A. I could not tell you where it went to; I can not tell whether it went to captain or roundsman, or policeman.

Chairman Lexow.— Why don't you call for the return voucher, Mr. Goff; hasn't he the return voucher?

Mr. Goff.— No, sir; he has not brought the return voucher.

The Witness.— You did not ask for it; did you?

By Mr. Goff:

Q. Yes; if you look at your subpoena you will find it? A. Yes.

Q. You will bring that returned voucher here at 2 o'clock?

A. Yes, sir; all right; that is the only one you want, is it?

Q. Wait awhile; I think, Mr. Kelly, you have never had a fire, have you — or Mr. Ryan? A. Yes, sir; I have.

Q. Oh, by the way, you had; why Kelly — what was I thinking of; let me see that; how I get mixed up in names; what is the check for “\$50 to Kelly, the police officer” for? A. Well, I suppose that must be for something of the same principle.

Q. Something on the same principle? A. Yes.

Q. We will read this check, No. 95, July 20, 1893, “Mr. Kelly, police money, \$50?” A. Ha, ha! that's a pretty good joke.

By Chairman Lexow:

Q. That is a pretty serious joke; you have sworn here absolutely, under oath — A. According to my knowledge —

Q. You have sworn absolutely under oath here that you paid no policeman? A. No.

Chairman Lexow.— Or any police captains; and it is a very serious question on the fact, and these documents whether or not you perjured yourself on the stand. Now, Mr. Goff, will you continue.

By Mr. Goff:

Q. Yes, sir; you were speaking about fires, Mr. Ryan; have you had fires? A. I had.



Q. But your books were not destroyed? A. No, sir.

Q. Neither were the vouchers destroyed? A. No.

Q. You have vouchers? A. No.

Q. You have all the bank vouchers covered by these books for the last six years? A. I guess so.

Q. Now, Mr. Kelly, it is four minutes to 1 o'clock.

Senator Bradley.—Mr. Ryan.

Q. How I get that name Kelly mixed up; do you know Kelly, by the way? A. Yes; I have known him for 10 years.

Q. He was the wardman? A. He was the wardman; yes.

Q. In that precinct? A. Yes, sir.

Q. And you frequently send some wood and stuff to Kelly, don't you? A. I did; yes, sir.

Q. And that is as well as the \$50? A. The \$50; I never sent him that; I can not tell any different about that \$50.

Q. We will try and help you? A. I am telling my story conscientiously, as far as I know it.

Q. We will try and help you. A. I did not come here to croak anything.

Q. Will you please, now, go up to your place of business and get all your vouchers down here by 2 o'clock; will you? A. Yes.

Q. The chairman of the committee, I so understand, so orders and directs; is that so?

Chairman Lexow.—That is right, Mr. Goff.

Mr. Goff.—And we will take an adjournment.

Chairman Lexow.—I want to tell the witness this, in addition, that this is not a joking matter at all; that this is a very serious matter; that any false oath upon the stand here is just as serious as in a court of law, and the penalty is the same.

The Witness.—Certainly. I am trying to do the best I can, as far as my experience goes.

Mr. Goff.—All witnesses under subpoena will report here at 2 o'clock promptly.

Chairman Lexow.—I would caution the witness not to speak to anybody about his testimony; you are now on the stand; you are a witness under subpoena.

Mr. Goff.—Inasmuch as Mr. Ryan is a witness, I think it would be proper to send one of the deputies of Mr. Schram up with him, so that no one will interfere with him. Mr. Schram, will you appoint one of your deputies?

Mr. Schram.—All right.

Morry Oswitz, called as a witness, and was duly sworn.



## AFTERNOON SESSION.

June 29, 1894.

Present.—The Senators and counsel, as before.

Morry Oswitz resumes the stand as a witness on behalf of the State, and testifies as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Seventy-seven Broome street.

Q. Seventy-seven Broome street? A. Yes, sir.

Q. Are you engaged in any business now? A. I am; yes.

Q. What business? A. Sewing machines.

Q. You have been a policy writer for some time, haven't you?

A. I have; yes.

Q. How long? A. For about a year.

Q. About a year? A. Yes, sir.

Q. Where did you write policy? A. I wrote them three different places.

Q. Whereabouts? A. The last place I wrote was 155 Ludlow street.

Q. What is the street — Ludlow? A. Ludlow.

Q. And the other place? A. One hundred and thirty-eight Delancey.

Q. Did you have the same boss at each place? A. Yes.

By Senator Bradley:

Q. Give the other place? A. One hundred and fifty-six Stanton street.

By Mr. Moss:

Q. Did you have the same boss at each place? A. No, sir.

Q. Who was the boss at the last place? A. There was a man of the name of Sam Freidberg.

Q. Sam Freidman? A. Sam Freidberg.

Q. And the places before that? A. The man of the name of Dimond.

Q. What was his first name? A. I could not say.

Q. And the other place? A. I was the boss myself there.

Q. You were the boss yourself? A. Yes, sir.

Q. Are Dimond and Freidberg still selling policy? A. I am not quite sure of Dimond, but I am positive of Freidberg.



Q. Where is Friedberg writing policy now? A. One hundred and fifty-five Ludlow.

Q. At the same place you mentioned? A. The same place; yes.

Q. One hundred and fifty-five Ludlow; were those policy shops backed by the same man? A. No; by two different men.

Q. Who were the backers? A. One backer is named Parker; the other I could not say.

Q. What place did Parker back? A. One hundred and fifty-six Stanton and 138 Delancey.

Q. And don't you know who backs the other place? A. No, sir.

Q. Have you any information on that subject at all? A. I could not say who the backer is of the other place.

Q. Who employed you? A. Sam Freidberg.

Q. Did you ever see anyone else at the place in control? A. I have seen some of the runners coming there; that is about all.

Q. Did you ever see Mr. Adams? A. No, sir.

Q. Do you know Mr. Adams? A. No, sir.

Q. How many customers would you have in a day in the last place? A. In the last place I had both drawings; I took in as much as \$80 a day some days.

Q. How many customers would that represent? A. Quite a good many.

Q. How many, about?

By Senator Bradley:

Q. Approximate about how many? A. Say about 100 people coming in during the day.

By Mr. Moss:

Q. How was the store or policy shop situated; describe it, please, the last one? A. There was a candy-store in front of it, and there was a partition in between it, and a little window, and in the back room there was a policy shop.

Q. Did the policy shop have any real connection with the candy-shop? A. No, sir; nothing whatsoever.

Q. Was it a different person who controlled the candy-shop? A. Yes, sir.

Q. One of these places had a cigar-store in front of it? A. This is a cigar and candy-store.



Q. Cigar and candy? A. Yes, sir.

Q. At this last place you have spoken of on Ludlow street?

A. Yes.

Q. At the last place did you run with any concealment?

A. Yes; I did.

Q. How did you arrange about that? A. I was told by the parties, in case I got into any trouble they would see after it.

Q. What is that?

By Senator Bradley:

Q. You do not understand the question; did you try to hide it as much as possible?

Chairman Lexow.—No; that is not the question. What was the character?

By Mr. Moss:

Q. What was the nature of the method; in what way did you try to conceal the business? A. It was concealed.

Q. How? A. It was concealed; I was sitting by the window, and I was sitting there and saw everybody come in, and I would not let them in; there was a lock on the door, and there was a rope connected with it, and if I see anybody come I shut the door.

Q. Who were you afraid of? A. Afraid of the police.

Q. Did you have any of the police come in there and play?

A. I did; yes.

Q. Who came in? A. Policeman Beeck.

Q. Any other policeman? A. Not to my knowledge.

Q. You are sure of that? A. I am positive.

Q. You know all the policemen of Eldridge street station?

A. Not all, but some; this was the only one came in to play with me.

Q. What position does Beeck hold? A. He is a patrolman.

Q. How many times has Beeck been in there playing? A. Very often.

Q. Will you give some of the circumstances of Beeck's playing in your place? A. What do you mean "circumstances"?

Q. State some of the occurrences? A. He used to come in and ask for a play, ask for a certain three numbers of his favorite gig, what they call a gig; they made a play the first time he came there; he did not pay me for it, and I asked from



the boss, "How about this?" he said, "All right; if he comes in give him once in a while," and he came in so very often I got sick of it.

Q. What was your salary? A. Eight dollars a week.

Q. Do you mean to say Beeck never paid you for his gigs?  
A. Never paid me for any of his gigs.

Q. Did he come in every day? A. No, sir; not every day.

Q. How many times a week? A. Sometimes once or twice a week; we used to have a general custom come in there in the cigar store, and sit behind the counter, and cigarettes, and he helped himself to whatever he liked.

Q. You say Beeck would help himself to cigars? A. Everything he liked.

Q. He came in and helped himself to policy gigs? A. Oh, yes; he did.

Q. Did he ever pay for any of those gigs? A. Never did; never paid for any of the gigs.

Q. If he won? A. He never won.

Q. You say that the gigs, or the price of the gigs, was taken out of your salary? A. It was; yes, sir; I had to suffer for it.

By Chairman Lexow:

Q. What was the value of a gig? A. Just according to what he wanted to play; 10 cents; sometimes more; sometimes less.

By Mr. Moss:

Q. About how much? A. Five or 10 cents an average.

By Chairman Lexow:

Q. Would he play one gig in one of these visits, or a number of them? A. One gig; that is all.

By Senator Bradley:

Q. Some of the senators would like to know what a gig is?  
A. Three numbers is a gig.

Q. Four-eleven-forty-four? A. Yes; that is a gig.

By Mr. Moss:

Q. What was the policeman's gig; what number is that? A. Twenty-eighty-thirty-five-sixty-seven.



Q. That is a gig that policemen like to play, isn't it? A. They call it the police gig.

Q. Do you know whether policemen frequently play policy? A. I could not say that; I am not acquainted with very many of them.

By Chairman Lexow:

Q. How did you come to call that the police gig? A. I could not say; I don't know.

Q. Who told you it was the police gig? A. The people call it that way.

Q. What people? A. The people that come in and make the plays.

By Mr. Moss:

Q. There is a central place where they draw every day, isn't there? A. I suppose there is.

Q. Don't you know; isn't there? A. It must be.

Q. And the winning is according to the drawing in the central place? A. Yes, sir.

Q. And the people come in at a certain time in the afternoon and find out whether their gig is won? A. Yes; that is right.

Q. Now, you say you complained to your proprietor or boss about Beeck not paying for his gigs? A. Yes, sir.

Q. As the result of that complaint, did you say anything to Mr. Beeck? A. One day he came in and made a play, his favorite gig was 10-20-30, the gig — 10-20-30; and he came in and asked me to give him the gig; I said, "I want money; have you got any money;" he said, "Go on; never mind; give me the gig;" I said, "All right;" I gave him the gig, and when I gave him the gig I said, "C. O. D.;" he said, "If it comes out I will pay you, and if it don't, I don't;" I said, "If it don't I will scratch off the book," and scratched it off at once.

By Senator Cantor:

Q. How often did the gigs come out? A. There is 24 numbers drawn every day, and 26 every night; each three numbers combines the gig, but some of the gigs the people play very seldom come out.



By Mr. Moss:

Q. There are about 17,000 gigs? A. More than that, I believe.

Q. And a certain number come out every day, and if a man is fortunate enough to have one of the combinations that comes out he wins his number? A. Yes, sir.

Senator Cantor.—He says they never come out, the ones the people play.

By Mr. Moss:

Q. Go ahead and tell all your trouble with Mr. Beeck? A. One day Mr. Beeck came in and bought that favorite gig of his, and I would not give it to him, and I scratched that off the book, and had a scrap with him right there and then, and he said he would make trouble for me, and he did not come in for a good while; about three or four weeks later he came in; it was, I think, the 16th of March, and he made it good with the boys, and he was down on me, and said he was going to fix it for me; and he made a play, an Irish gig, and he displayed a lot of bills there, and he said he has got lots of money, and he put them in the stove; of course, there wasn't any fire in the stove, and afterward he said, "I will go fix you, if I get hold of you;" two or three weeks later he came in in citizen's clothes, and two or three more men.

Q. Were they policemen? A. No; one policeman and two of his friends; so I would not leave him in, because I was afraid he was in citizen's clothes, and would take me along.

Q. You thought if he was in citizen's clothes he might be dangerous? A. Yes, sir.

Q. And if he was in blue clothes you would let him in? A. I would leave him in; yes, sir.

Q. Why would you make that difference? A. I believed he was assigned to special duty to take me.

Q. You believed if he was in citizen's clothes it might be his duty to take you in? A. That is right; and then there was strict orders given not to let any officer in.

Q. Who gave you those orders? A. My boss did.

Q. That was a special order by your boss? A. Yes; not to leave anybody in; I knew no officer; it might be the best friend of mine.

Q. That was a certain day? A. No; after a certain day.

Q. What day was that? A. I could not say what day it was.



Q. Two months ago? A. It was the month of March, or first of April.

Q. Then you got strict orders? A. Yes, sir; something like that.

Q. This man came in with citizen's clothes, and two others with him? A. Yes, sir; I would not leave him in; I cleared everything I had of evidence, every green ticket, and sheets and manifold paper, and put everything away; and then I sat there waiting until he comes in; I would not be with him, and he broke the door open; he broke the door open, and said, "Now, I have got you;" I said, "All right; if you want me, I will go along with you;" and he said, "No; you can go right along with me;" and he took me by the collar, and wrestled me; he said, "Give me a gig;" I said, "I don't write policy to-day;" he said, "Go on and give me a gig;" and during that time my boss went out to get a wrench to fix the door, because he broke the door, and my boss gave him a laying out for doing this; he said he only wanted to scare me; that was all.

Q. Said he only wanted to scare you? A. Yes; that is all; so my boss said, "Go on; give him a gig;" I said, "No; I won't give him a gig, or 50 policemen like him;" he said, "Give it to him;" and I sat down at the table and got a plain piece of writing paper, and put down the beer gig for him.

Q. What was that? A. Four 16-21; I put that gig down for him; while I was writing he had a bull dog with him, and slung the bull dog over me twice.

Q. Slung a dog over your head? A. Yes; slung a live dog over my head; when I gave him that gig, he said, "I am going to do you up;" and he put out his arm and cut me every way, and said, "If I can get the best of him, I will get the best of you;" and he grabbed a hold of me with the wrench and hit a blow for me, and I dodged it, and he made a hole in the wall; that is right there yet where I was sitting; well, he got disgusted with me and he could not do anything with me, and walked outside.

Q. Didn't he arrest you? A. No, sir; he did not; my boss and his brother that keeps the candy-store ran behind the counter, and my boss was giving him a laying out while he was walking away; he had no business to do this; there was other people to pull him, and to take me along; it was not his duty to take me along.



Q. There were other people to pull you? A. No; my boss told him.

Q. Your boss told him there was other people to pull you? A. Yes; that is right.

Q. Who else was to pull you? A. The detective and wardmen, and it was not his duty to pull me.

Q. He meant he was a simple patrolman? A. That was all he did; he said, "I will get square of you;" and he went behind the counter and gave the other fellow the licking, and they fired bottles at him and smashed the doors and windows, and he did not take me or the boss, but the boss' brother, and took him down to the station-house; on the way going down he gave him a good licking, because he was bleeding on the way.

By Mr. Nicoll:

Q. Were you there; did you go to the station-house with him? A. I did not.

By Mr. Moss:

Q. You say he was bleeding; did you see the bleeding? A. Certainly, I did; people were saying he gave him three blows on the way.

Q. You saw blood on the prisoner? A. Certainly, I did; and he took him down to the station-house, and there was a charge of policy-writing, and that man had nothing to do with the policy shop; I was the man that wrote, and the boss of mine was the proprietor of the place.

Q. And the man that was arrested was the proprietor of the candy-store? A. That is right; I don't know who told him to take him down to the court, but it was the sergeant or captain; I didn't go to the station-house; so they told the policeman to take the man to court, and when he took him to court, he made a charge of assault.

Q. Was there a charge of policy-writing against him in court? A. No; in the police station-house.

Q. Do you mean to say at court it was changed to assault? A. Yes, sir; put assault because that man didn't have anything to do with the policy shop; so the judge told him to go and get witnesses; well, he went home, and in the afternoon, about 2 or 3 o'clock, I went down with the monkey wrench in my pocket, and the landlord went down to make a complaint about



the building and all others, a man from headquarters went down, and the wardman went down there, and some ward detectives were down at court, and they were discussing about the affair; it was all squared off like; I don't know how it happened; it was not called at all.

Q. That was the end of the case? A. That was the end of the case.

Q. Was anything said in court about it being a policy place? A. I could not say; I could not swear to that.

Q. Did they know it was a policy place? A. Why, of course they did.

Q. Did you go to the station-house at all? A. I never went to the station-house.

Q. Did you see Captain Cortwright? A. Yes, sir; Saturday, I did.

Q. Did Captain Cortwright know anything about a policy shop there? A. Not to my knowledge.

Q. Did you tell Captain Cortwright it was a policy shop there? A. I did; this Saturday; I told him the story.

Q. That is the same policy shop that is running now? A. Exactly

Q. You told him the whole story? A. I did; I tell you how; I am working in Jersey City to-day, and on Saturday night I went home; it was very late; on the way going through the Bowery, I met Officer Beeck, and Officer Beeck caught sight of me, and came up to me, and said, "If I catch you again on the Bowery, I will put you away and give you a dirty licking besides that."

Q. That seems to be a favorite pastime? A. I went down to the captain, and asked the captain whether it was right a citizen could not pass the streets without being interrupted by the police; I told him I had been running policy at 155 Ludlow street, and had some trouble with Officer Beeck; and it was all squared off in court, and Officer Beeck saw me Saturday and threatened to lick me, and locking me up in the bargain; and the captain said, "Go ahead; I will attend to it;" I was not satisfied with the answer, and I walked down the Bowery to meet Mr. Beeck; I walked along the Bowery again, and Mr. Beeck came along and grabbed me by the shoulder and gave me a beating, and gave me a kick in the bargain, and called me all names, I won't mention the names that he called me, of course.



Q. That is not necessary; you have not seen Beeck since then? A. I have not; no, sir.

Q. Or Captain Cortwright? A. I have not; no, sir.

Cross-examination by Mr. Nicoll:

Q. What nationality are you? A. I am an Austrian.

Q. An Austrian? A. Yes, sir.

Q. How long have you been in this city? A. In this city? Well, I am here the second time; I am here two years; I have been here 13 years altogether.

Q. You came here from Austria? A. I did; yes, sir.

Q. In what year? A. I could not recollect what year at present.

Q. You came here the year you came to the United States? A. It was 1881 or 1882, I couldn't exactly say.

Q. What? A. Either 1881 or 1882.

Q. How old were you when you came? A. I was about 15.

Q. About 15; don't you recollect the year in which you came? A. No, sir; I could not exactly say the year.

Q. What was your occupation when you first came here? A. I went into a glass shop.

Q. A glass shop? A. A glass shop; yes, sir.

Q. Have you ever been in any other legal business besides policy? A. I have been in the glass business for about eight years; and I took sick and had to go to Europe or to Denver, Colorado; my lungs were affected by the glass work; I was working at memorial windows.

Q. Memorial windows? A. Yes; stained glass or lettered glass.

Q. When did you first take up the business of writing policy? A. When I came back from Europe.

Q. When was that? A. Not quite two years.

Q. Two years ago? A. Not quite two years; no, sir.

Q. Since that time have you been arrested? A. I have never been arrested and never been in court in my life with —

Q. You have been writing policy for two years? A. No; for about a year; a little over a year probably.

Q. For a little over a year? A. Yes, sir.

Q. Where did you learn to write policy? A. I had a friend who used to write policy at 138 Delancey street, and used to go in there to see him, and, of course, I had a little money, and it all went into the game.



Q. You used to play policy before you commenced to write it? A. I did; that is the way I got into the business; I can prove it to-day; I lost \$100 or \$150, and probably more, when I came from Europe.

Q. Writing policy? A. No; playing policy; and that is the way I got the job.

Q. You bought your own experience and learned to write it from experience in playing? A. No, sir.

Q. You did not? A. No, sir; I did not know what policy was before.

Q. I understand you to say you spent \$150 in writing policy? A. Not learning; playing.

Q. That taught you pretty well? A. No; it did not; I was green in the policy business when I was playing, and that is the way I lost so much money.

Q. You learned the business that way? A. Yes.

Q. And you say you were ignorant of the business at that time? A. I was; yes, sir.

Q. How long did it take you to become an expert in writing policy? A. Three or four months; to know all the numbers and so on.

Q. How many gigs are there? A. I don't know; I could not say; nor can anybody else say how many gigs there is in the game.

Q. There are other gigs besides the Irish gig, beer gig—  
A. There are thousands of gigs; any three numbers make up a gig.

Q. Tell us some besides the Irish and beer gigs? A. I made out three drawings.

Q. Well, there is the Irish gig, the beer gig, the police gig?  
A. The sick gig, and the monkey gig, and the working gig.

Q. Is that all you recollect? A. I know a lot of them, but can not remember them all.

Q. Is that all you recollect now? A. That is all I recollect now.

Q. Those five gigs? A. Those five at present; yes, sir; if I think of them I can count them off for you; if I can have a little time to spare, I can count the gigs off for you.

Q. I don't want you to give me the numbers of the gigs; I want you to give me the names of the gigs? A. Different names; for instance, everybody has a dream, and next morning they come in and tell them to the policy writer, and the policy writer gives them a gig for it.



Q. That gig is not named, is it? A. Yes; the policy writer names it, and if it hasn't any name, he gives him a name.

Q. Did you ever write a gig for a man that had a dream?  
A. I did; yes, sir.

Q. What did you call it? A. According to the dream he had.

Q. Tell us one case of a dream? A. I didn't have a dream myself; I couldn't tell you the dream.

Q. Can't you remember any other gigs, or the names of any other gigs besides the ones you told us? A. The working gig.

Q. The working gig? A. Yes, sir.

Q. What is that? A. 14-26-42; there is a Wednesday gig, too.

Q. There is a Wednesday gig? A. Yes, sir.

Q. And a Thursday gig? A. Yes; there is a book for it; the dream-book, that tells you what the dreams are.

Q. Now, what gig did the police officer that you have spoken of play? A. 10-20-30; the sick gig.

Q. That was the sick gig? A. That was the sick gig; yes, sir.

Q. Was that the only gig he ever played? A. No; he played different gigs; but that was the only one that was his favorite gig.

Q. That was his favorite gig? A. That was his favorite gig.

Q. I understand you to say the gig cost anywhere from five to 10 cents? A. You can play a gig for a cent, for that matter; but an officer, I suppose, would not pay any less than five or 10 cents.

Q. An officer would not descend to playing a gig for a penny?  
A. Yes, sir; he would be ashamed to play a gig for about two or three cents.

Q. So you say he played gigs from five to 10 cents? A. He did; yes, sir.

Q. And never put up anything? A. Not to my knowledge; I remember one time my boss gave him 10 cents to give me.

Q. With that exception, did he ever pay anything? A. Not to me.

Q. How many times had he been playing gigs free of charge without putting up anything? A. I believe he owes me about 68 or 70 cents now; probably more; I can not recollect.

Q. If it was 10 cents a gig, he would have played something about six times? A. Probably 10 times; I don't know exactly.

Q. What will you swear to? A. I will not swear he played gigs at 10 cents; he probably played them at 10 cents and probably played them at five.



Q. Don't give me any of your probabilities; if you don't know anything, you say you don't know it. A. I don't know it; I know what I am saying.

Q. If you have anything positive, swear to that; don't go into probabilities. A. I will.

Q. Now, I ask you what you swear as to the number of gigs the officer whom you accused ever played? A. I could not swear to that; how many times he played.

Q. You can not, sir? A. No, sir; I can not swear how many times he played.

Q. Can't you swear within certain limits? A. I could not swear.

Q. Will you swear he played five times? A. Well, yes; I will swear he played five times.

Q. You swear to that? A. Yes; I swear he played more than this.

Q. Will you swear he played six times? A. Five or six times, I will swear; yes, sir.

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

Q. And at 10 cents a gig? A. No, sir.

Q. If that was the amount, that would be 60 cents? A. Not always the 10 cents; sometimes five.

Q. That would make the sum expended less than 60 cents? A. He probably played more times than six; but I would not swear; I will swear he played five or six times.

Q. You remember, all told, he incurred a liability of 60 cents; is that it? A. What is that?

Q. That he incurred a liability of 60 cents? A. Yes, sir.

Q. That is about it; and that is what you think he owes you, according to your notion of the gigs? A. Oh, yes; I will swear he owes me that much; if it is not more.

Q. Did he ever complain that he did not win? A. No; he never complained.

Q. He did not? A. No.

Q. So he never did win, did he? A. No; he never won of me; I never paid him out any money.

Q. So all the gigs that he played, amounting to six or seven gigs, he never won at all? A. Never won at all.

Q. And never complained that he did not win to you? A. Not to my knowledge he did not complain to me.



Q. Do you undertake to say that the officer felt indignant at you because you would not give him a gig? A. Well, he gave me a licking for that.

Q. Because you would not give him a gig? A. Because I scratched —

Q. What was the gig worth to him? A. It was worth \$10, if he won.

Q. He never won? A. Never won.

Q. And never made any complaint he did not win? A. Not to me.

Q. And yet, on that account he displayed resentment toward you, is that what you want us to believe; he showed anger toward you, because you did not give him a gig that he never won in his life? A. He showed anger toward me because I scratched the gig off in front of his face; I had too much gall, he said.

Q. He never won on a gig? A. Never did.

Q. Never complained about his not winning? A. Not to me.

Q. What object was there in his investing in a gig if he never won on it? A. I don't know.

Q. What? A. I don't know.

Q. You want us to believe that an officer became indignant at you because you refused to give him a gig, although he had never won on a gig? A. No.

Q. You want us to believe that was the origin of your difficulty with this police officer; is that true; was that the origin of your difficulty between you and the officer?

By Senator Bradley:

Q. Did that commence the trouble between you at the time? A. He was mad of me because I was too fresh toward him; I would not write for him without money.

By Mr. Nicoll:

Q. You want us to believe, because you refused to write for him a five or ten-cent gig, he never won, paying for it nothing, that he performed the various acts of violence which you have testified to here? A. Well, yes; I can prove it; I can prove it with witnesses.

Q. And feeling indignant toward you on that account, he proceeded to fire? A. Not to fire, but to hit me.



Q. Fire a wrench at your head? A. He did not fire it, but he tried to hit me with it.

Q. He gave you a licking in the store? A. Yes; in the back room.

Q. And licked two other men in the store? A. He did.

Q. Broke the window and door? A. Broke the window and door, and smashed the walls and windows.

Q. And subsequently pursued you in his rage on the Bowery where he gave you a licking again? A. Yes; this Saturday.

Q. And all on account of your refusing to give him a gig on which he had never won, and upon which he had never complained; is that it? A. He never complained to me that he did not win.

Mr. Nicoll.—That is all.

By Senator Bradley:

Q. Did you ever pay, yourself, to any police officer for protection, or ever see anyone paying any money to policemen for protection? A. No, sir.

Q. For carrying on the policy business? A. I never saw anybody paying for it and never knew anybody paying for it.

By Mr. Moss:

Q. Every policy shop has a book of gigs, hasn't it? A. Well, it has a dream-book that tells the gigs.

Q. But there is a list of gigs in the books in the policy shop? A. There is a sheet of manifold, I guess.

Q. Don't they have a book with the numbers in that book for each policy writer, so that he can refer to it? A. They have.

Q. And there are thousands of those gigs in the book? A. Oh, yes.

Q. How many other policy shops were there in that neighborhood? A. There are a good many of them.

Q. How many? A. Right in the same street I know of about three, about two besides the one I was running in.

Q. In the same street? A. Yes, sir.

Q. And right around in the several blocks, how many would that be? A. About five or six.

Q. Were these shops all writing, as you was? A. All writing.

Q. You knew the people doing it? A. Not all; some of them I knew.



Q. And do you know how many policy shops were in operation in the city? A. About 500 or 1,000.

Q. In various parts of the city? A. Yes.

Q. Was your policy shop ever raided while you were there? A. Not while I was there.

Q. Was anybody connected with your shop arrested for writing policy while you were there excepting this arrest? A. No, sir; not in my place where I was working; my boss hired me for the reason he has been arrested often, because he did not want to write any more, because if they got him again, he would be sent away for a certain time.

Q. Your shop was not raided, while you was running it? A. While I was writing, it never was.

By Mr. Nicoll:

Q. Where did you say you are working now? A. No. 155 Ludlow street.

Q. In this city? A. Of course, in this city.

Q. What is your business? A. Now, I am in the sewing machine business.

Q. Sewing machine? A. Yes, sir.

Q. With what concern? A. I am over in Jersey; I won't mention the name of the concern.

Mr. Nicoll.—What is the name of the concern he is with? Senator Bradley.—He says he would rather not mention the name.

Q. Where do you live? A. New York city.

Q. Where? A. No. 77 Broome street.

By Chairman Lexow:

Q. Did you see this same officer with whom you had trouble going into these other policy shops you have spoken of here running in your office? A. No, sir.

Q. You did not see him going in there at all? A. No, sir; I could not, because I was busy all the time.

By Mr. Nicoll:

Q. You have stated here in answer to Mr. Moss that there was 500 or 600 policy shops in New York city?

Chairman Lexow.—A thousand, he said.

The Witness.—Probably more.



Q. How many have you been in? A. About 20.

Q. That is all the present knowledge you have? A. I can pick out more than those.

Q. I say that you have been in yourself? A. Oh, yes.

John Keresey, 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. Wholesale liquor business.

Q. Where is your place of business? A. No. 85 Pearl and 52 Stone street.

Q. How long have you been in the business? A. About 15 years for myself.

Q. About the year 1888 or 1889, did the Wholesale Liquor Dealers' Association of New York come into existence? A. Yes, sir.

Q. Were you an officer of the association? A. Yes, sir.

Q. What office did you hold? A. First vice-president at that time.

Q. Who was president? A. William G. Ross.

Q. Mr. Ross was here yesterday, wasn't he? A. I understood so.

Q. Do you know the origin and the cause of that association of wholesale liquor dealers in New York? A. Yes.

Q. State to the committee the origin and cause of it; raise your voice a little, so we all will hear you? A. We found out through our salesmen reporting to us that the police department — the police of the city were selling whisky to our customers, called the Hollywood whisky, and we felt that the competition was so great in that line we could not stand it, and several of us got together, and we called the liquor dealers together, and so organized the association.

Q. The wholesale liquor dealers? A. Yes, sir.

By Chairman Lexow:

Q. The police were selling liquor? A. Yes, sir.

By Senator Bradley:

Q. They were acting as agents? A. Interesting their customers to buy it.



By Chairman Lexow:

Q. At individual sale? A. Yes; the wardman and the police; that was the general report; our salesmen would bring it into us.

Q. Making a business of negotiating the sale of liquor? A. Yes, sir.

By Mr. Goff:

Q. To the retail liquor dealers? A. The retail liquor dealers among our customers.

Q. Of that particular brand of Hollywood whisky? A. Yes, sir.

Q. Let us understand that this sale or these sales made by the police were not sales of whisky; didn't buy of a particular brand of whisky, called the Hollywood whisky? A. Yes, sir.

By Mr. Nicoll:

Q. Has he sworn to any sale by the police? A. They were not sales, but only through the influence of the police and wardman; that was the report.

By Mr. Goff:

Q. Were they acting as traveling salesmen for Hollywood whisky?

Mr. Nicoll.—He has not sworn to that; he has not said so; he said it was reported, as I understand.

The Witness.—Reported to us by our salesmen.

Mr. Nicoll.—I move to strike out as hearsay evidence.

(Motion denied; objection overruled.)

By Mr. Goff:

Q. You say that was the basis of the formation of the organization; was that true or not?

Chairman Lexow.—It may not be sufficient evidence to support the fact.

Mr. Nicoll.—I make it my object to make that objection with the expectation that it is going to be denied. The committee has ruled against me 999 times, if not more, on that subject; and I make it, because no man can sit here in the capacity which I am, without making a vigorous and constant protest against that line of evidence; but I do not wish to argue it or discuss it or take the time any longer.



Chairman Lexow.—It is not admitted for the purpose of proving that fact as a fact; you understand that.

Mr. Goff.—I wish to state, Mr. Chairman, that Mr. Tekulsky was here under a subpoena, and Mr. Tekulsky was kind enough to come to-day. I told Mr. Tekulsky he could go until recess. He was kind enough to come back after recess, and I now take pleasure in telling him he is now excused for the day as a witness.

Mr. Tekulsky.—I would like not to be excused. If I am wanted, I am here, and my name was brought up here yesterday, and I would like to have an opportunity to explain my position in reference to those books, and I think it is unfair to me to have me come here and be excused by the counsel—to be here for the purpose of being heard, and then excluded again and not probably called again.

Chairman Lexow.—You were subpoenaed because it was supposed some testimony would be elicited from you for the benefit of the committee. On the testimony it is deemed advisable not to be introduced here, not for the purpose of exculpating you yourself at all. I do not understand that any testimony needing that was given yesterday.

Mr. Nicoll.—No; there was no testimony inculcating Mr. Tekulsky.

Mr. Tekulsky.—I am satisfied of that, but there was an insinuation brought out here yesterday that my former evidence was not the truth.

Chairman Lexow.—There was no evidence supporting that insinuation, if that was made.

Mr. Tekulsky.—There is nothing supporting it and I understand I was corroborated in my evidence.

Chairman Lexow.—All the evidence showed yesterday was a very great curiosity on your part to ascertain what was in the minutes of the Liquor Dealers' Association books.

Mr. Tekulsky.—Yes.

Chairman Lexow.—That was all. You demonstrated a great curiosity after your examination to ascertain what was in the books.

Mr. Tekulsky.—I am as anxious to know what is in the books as anybody.

Chairman Lexow.—I don't think you will have to complain that you won't be examined. I think you will be examined before the committee adjourns finally.



Mr. Tekulsky.—I did not care whether I was or not, but I want to place my position right.

Chairman Lexow.—There wasn't anything to answer to.

Mr. Tekulsky.—I wish anybody on the committee that has those books, to take good care of them.

Mr. Goff.—I hope Mr. Tekulsky will keep his very good manners to himself, before he is called.

Q. In your trade, to your knowledge, were you in any way injured, or your custom interfered with or restricted by reason of the efforts of the police to introduce the sale of the Hollywood whisky? A. Yes, sir.

Q. You felt the effects of that in your own trade? A. Yes, sir; several of our customers complained they had to take it and did not want it; they would have preferred to buy from us.

Q. So far as the knowledge you obtained as a member of the Wholesale Liquor Dealers' Association, isn't it a fact that the members of the Wholesale Liquor Dealers' Association of New York were all so injured in their trade and custom by reason of the police interference in the sale of Hollywood whisky? A. Yes, sir.

Q. To the same extent that you were? A. Yes, sir.

Q. Do I understand you to say it was for the purpose of protecting yourselves against this competition, that you organized into this Wholesale Liquor Dealers' Association? A. That is what started us.

Q. Now, did that association take steps toward bringing the attention of the authorities to the interference of the police in behalf of the sale of Hollywood whisky? A. Yes, sir.

Q. What steps did they take? A. We immediately engaged a reporter, and he went to one of the leading avenues here—Third avenue—and brought back to us a report, a very good report we thought, and we promised to pay him for it; he informed us that he would not require any pay, as he could sell it to the newspapers.

Q. Did you take any further steps? A. Well, we found out then that the newspapers would not publish it as we wished, and did not publish it, with one exception, the Journal Commerce.

Q. The Journal of Commerce? A. They published it; we then immediately started this reporter, and started a paper of our own; we subscribed and started a paper of our own.



Q. Do you remember if the matter was brought to the attention of the mayor of this city at that time? A. We had a committee wait on the mayor.

Q. On that subject? A. Yes, sir.

Q. Were any police official mentioned particularly in connection with the sale of this Hollywood whisky? A. Well, it was only rumors around.

Q. Was that the common rumor in the association? A. Well, the rumor was that Inspector Williams was interested.

Q. In Hollywood whisky? A. Yes.

Mr. Nicoll.—I move to strike it out.

Mr. Goff.—Well, we will see whether that will be stricken out, if we can not connect it afterward; if we can not connect it.

Chairman Lexow.—You make your motion to strike it out afterward, if you don't connect it.

Q. Did you take any further steps toward bringing the matter before the attention of the public authorities? A. I believe we got a bill up; I really forget now; we have taken so many of those steps that I forget that; it is quite a time ago.

Q. Do you remember going to Albany? A. No, sir; I did not go.

Q. You did not go to Albany? A. No.

Q. Do you remember a committee being appointed to go to Albany to lay the matter before the Legislature? A. I remember, sir.

Q. And do you remember a memorial was drawn up by your association, which was presented to the Legislature? A. I think that was done; yes.

Q. Now, I hand you this paper, that I will call a pamphlet for the present, headed "The Police as Liquor Sellers," and ask you to look at it. A. Yes, sir.

Q. Is that the memorial adopted by your Wholesale Liquor Dealers' Association, and presented to the Legislature of the State of New York? A. I believe so.

Mr. Nicoll.—In what year?

Mr. Goff.—Eighteen hundred and eighty-nine.

The Witness.—That was the report that the reporter brought back to us; it is embodied in there.

Mr. Goff.—Yes; February 14, 1889.

Q. This report is signed by William G. Ross, president; he was president of your association at that time? A. Yes.



Q. And by Mr. Boegler as secretary? A. Mr. Boegler.

Q. Is he in court to-day? A. He was this morning.

Q. Is Mr. Boegler in court. (No answer.) And by Mr. William A. Tyler as treasurer; he was treasurer of your association at that time? A. Yes.

Q. I call your attention further to the names of the officers of your association; I will read them, and ask if they are correct; "Officers, William G. Ross, president; John Keresey, first vice-president; Justus Oesterlein, second vice-president; William M. Tyler, treasurer; Ferdinand Boegler, secretary; trustees, Peter McQuade, James Lauchheim, Richard Hunt, Max B. Stern and Louis Steinhardt." You recognize those as officers and trustees of your association? A. Yes, sir.

Q. And it sets out the name of your membership here? A. Yes, sir.

Mr. Goff.— Now, I will read this, gentlemen.

Mr. Nicoll.— I object to it, on the ground that it is all hearsay, and an attempt to introduce hearsay evidence of facts which counsel, himself, professes to believe can be proved by the witness.

Chairman Lexow.— I do not understand counsel offered this for the purpose of proving facts — the statements therein contained; but simply as showing the committee the necessity for organization on the part of this association.

Mr. Goff.— Yes; and upon which we will show legislation was founded.

Chairman Lexow.— Do you mean this to be spread on the minutes?

Mr. Goff.— Yes, sir. "The Wholesale Liquor Dealers' Association of the city of New York beg leave to submit to the Legislature the following statement of facts, showing the unlawful acts of certain public officials in the city of New York, in pushing the sale of a certain brand of liquor among retail dealers in said city, and prays respectfully that a legislative committee be appointed to investigate the charges here preferred.

"The report here subjoined and headed, 'The Police as Liquor Sellers,' was prepared in July, 1888, by a gentleman employed by us to investigate the matter. It gives the result of his investigation. We have since that time taken pains to verify this report.



“Here it is: The Police as Liquor Sellers. A combination which enjoys special advantages. Saloon-keepers scared and loath to speak about the ‘combine.’

“That the whole excise question in this city is in a muddle goes without saying. The present laws regulating the sale of intoxicating liquors are satisfactory neither to the saloon-keeper nor to the consumers. There is, however, one branch of the city government, to which these very laws offer all the benefits and emoluments of a bonanza. The excise laws in their present mode of execution seem to have been specially enacted for the purpose of affording police officials an opportunity to work them as a gold mine. Even a superficial investigation offers abundance of evidence of the corruption in the body politic, produced and fostered by these very laws.

“Here is what the special grand jury, which has just taken a recess until September 24th, in their report to Judge Barrett, last Thursday, said on this subject:

“‘The grand jury have positive evidence that the excise law is openly violated by some who have long done so with impunity. This would not seem possible without collusion between the guilty parties and those who should maintain the law, but the grand jury have not yet been able to fix to their own satisfaction the responsibility for the non-execution of the law, although they have no questions to the fact.’ Continuing on the grand jury:

“‘Nothing shall be said here of the blackmail which is being notoriously and systematically levied upon many saloon-keepers for the privilege to keep open on Sundays, or to sell beer and liquor after 1 o’clock in the night. Not satisfied with the revenues which the liquor traffic thus yields to those who are intrusted with the power to look after the proper enforcement of the laws, their energy and enterprise seem to have been turned lately into other directions, which promise to make more profitable still the sale of intoxicants. The hush money paid for the privilege of keeping open on Sundays, or for immunity from punishment for other violations of the excise laws, comes direct from the saloon-keepers and retail dealers. But a method has been devised by which the wholesale liquor dealers are made to feel the power of the police over the liquor traffic.

“‘A partnership or association has been formed to sell whisky and other liquors to the saloon-keepers. This association calls itself the Hollywood Company, and has offices on lower Broad-



way. Bradstreet's report of it says: 'The Hollywood Company is not an incorporated company, but a mere partnership or association, and it is reported that Police Inspector Williams has an interest in the concern.'

"This report of Bradstreet's is borne out by the great interest which certain police officials have taken in the sale and disposal of the Hollywood whisky and in the effort to build up a profitable trade for this brand of spirits. Police captains and ward detectives have found time to introduce the 'drummer' of the company to the various saloon-keepers of their precincts with special recommendations of the excellence of the beverage offered, and of the high favor with which its sale is regarded at 'headquarters.' With the prospect of implied police protection dangling before the eyes of the saloon-keepers, it was, of course, an easy matter to build up a profitable business, and the Hollywood Company is said to be in a highly prosperous condition, yielding large profits.

"The saloon-keepers are very reticent on the subject for fear of incurring the displeasure of the police by talking about these whisky deals. Many of them have bought the stuff, for the association has spread its net over the whole city. All those who have bought the Hollywood whisky admit that the purchase of it has turned out a good thing for them, for they have not since been troubled by the police for violations of the excise laws. Some of the saloon-keepers who do not buy 'blended' whisky, but who blend the whisky they sell themselves, have, nevertheless, bought a few barrels of the Hollywood blended stuff 'simply to please the police.' They have stored the barrels in their cellars and do not propose to open them." Then follows a report of a number of retail liquor dealers, their statements of how they have been coerced into buying the Hollywood whisky, which I will not take the time of the committee to read. The memorial goes on to state: "It is but proper to say that a secret and ex parte investigation of the charges here preferred against the police was made by the police authorities themselves. The report, 'The police as Liquor Dealers,' in some way reached Mayor Hewitt, who referred it to the police commissioners for investigation, who in turn referred it to Superintendent Murray. The seven saloon-keepers quoted in the report, that is the saloon-keepers whose names I have skipped, the seven saloon-keepers quoted in the report were requested to appear before Superintendent Murray, and were



there made to sign affidavits, which had been prepared beforehand, stating that they had not been 'coerced' by the police into purchasing Hollywood whisky.

"All but one of these seven saloon-keepers, when cited before the superintendent of police, tremblingly signed the affidavits, which the police, in their own vindication, had prepared beforehand. One of the seven who refused to sign that remarkable affidavit, told Superintendent Murray plainly that he meant to tell the truth and nothing but the truth before a proper tribunal, and that he would not perjure himself for the purpose of white-washing the police. He was thereupon in a commanding voice bid by the superintendent to go back to his saloon.

"It is needless to say that an investigation of the charges here preferred by the accused party itself, is of no value whatever. These charges, if they shall be properly disposed of, should be heard and investigated by a tribunal which is impartial, and in which neither the accuser nor the accused shall have a special representation. For it must be borne in mind that the corruption here charged against the police does not involve simply some subordinates of the department, but has pervaded the whole force from top to bottom.

"In support of this statement, we beg leave to quote an authority well informed in such matters, whose competency to judge in matters pertaining to our municipal affairs will not be disputed by all fair-minded citizens of this city." Then follows a quotation from an address or speech from Mayor Hewitt, under date of November 1, 1888, which I will not read to take up your time.

"Since the report, 'The Police as Liquor Sellers,' was obtained, a mass of other corroborative evidence has been secured by this association, bearing on the same subject, by our members doing business in this city, which will be presented to your committee in due time.

"Conceding the fact to be that police officials are interested, pecuniarily or otherwise, in furthering, and do actually further the sale of liquor of any particular house or company to retail dealers, over whose business they have, by virtue of their office, to a very large extent, supervision and control, it needs no argument to prove that such a practice is a scandal and an outrage, having a tendency to destroy all legitimate competition among all interested in the wholesale liquor trade.



"Our association, whose membership list is hereto attached, represents a capital of over \$14,000,000 invested in our trade. Its members contribute largely in the payment of taxes toward the maintenance of our government. We are law-abiding citizens, but we protest against this unlawful and scandalous interference with our trade by the police, and respectfully petition the Legislature to investigate the charges here preferred.

"The Wholesale Liquor Dealers' Association.

"W. G. ROSS,  
"President.

"F. BOEGLER,  
"Secretary.

"WM. A. TYLER,  
"Treasurer."

Then follows a list of the members of the association, the various firms, and their addresses.

By Chairman Lexow:

Q. What is the name of your firm, Mr. Keresey? A. John Keresey and Company.

Cross-examination by Mr. Nicoll:

Q. What brand of whisky do you manufacture? A. Sir?

Q. What brand of whisky do you manufacture? A. We do not manufacture it; we are jobbers; we put up private brands of our own.

Q. And do you give them names? A. Yes, sir.

Q. What are some of the names of your brands? A. "David Clay," "Private Stock," "J. C. Worrell."

Q. Now, the Hollywood is a whisky that is manufactured, is it not? A. Yes, sir; it is what we call a blended whisky.

Q. Where is it manufactured? A. I could not say; I think it is on lower Broadway it is blended.

Q. What? A. I think it is blended in lower Broadway; I could not say positively.

By Senator Bradley:

Q. Where is it manufactured, he said? A. It is hard to say where it is manufactured; it is several whiskies put together, sometimes.



By Mr. Nicoll:

Q. It is known as a pure and favorite brand of whisky of people who indulge in whisky drinking? A. It was unknown until this time.

Q. I say it is a favorite brand of whisky? A. I don't know; it is a favorite with some, may be.

Q. It is an exceptionally pure whisky, isn't it? A. I could not state.

Q. Have you never tasted any Hollywood whisky? A. Not to my recollection.

Q. You never have tasted it? A. Never, to my recollection.

Q. Then you are unable to state whether or not the Hollywood whisky having an extensive sale? A. Through the influence — could not state.

Q. And for all that you may know the Hollywood whisky is the purest and smoothest brand in the market? A. Yes, sir.

Chairman Lexow.— Supposing it is the best in the world, how does that alter it, Mr. Nicoll?

Mr. Nicoll.— If we have got to drink that we should use the best.

Q. All whisky is good whisky, isn't it? A. As a general thing.

Q. There is some whisky that is better than others? A. Yes, sir.

Q. Now, I understood you to say that you gentlemen who manufactured some other brands of whisky found fault with the popularity of the Hollywood, is that a fact? A. No, sir.

Q. Because it was popular? A. I did not so state.

Q. Isn't it a fact you did find fault with the Hollywood whisky having an extensive sale? A. Through the influence —

Q. Through whatever medium?

Mr. Goff.— Let the witness continue.

Q. You were going to say through the influence of the police force? A. That is what you objected to.

Q. You did find fault with the fact that the Hollywood whisky, through whatever influence, had a large and extensive sale? A. At the time; yes, sir.

Q. And it was because the sales of the Hollywood whisky was injuring your business and other gentlemen that you formed your association? A. That was one of the main causes of the influence of selling it.



Q. Now, you have heard Mr. Goff read this memorial, addressed to the Legislature, of the city of New York in 1889?

A. Yes, sir.

Q. In 1889, both branches of the Legislature were Republican, were they not? A. I couldn't say positively.

Q. You know the Senate was, don't you; and the Assembly — I think that is of historic record — both branches of the Legislature were Republican? A. I am not posted well enough in politics for that; I suppose so.

Q. Don't you recollect that as a fact? A. I couldn't say positively.

Q. You can not state that? A. It is likely it was.

Q. And in 1888, when all of these facts which Mr. Goff has read from this memorial were known to your association, the mayor of the city of New York was Mr. Hewitt? A. Yes, sir.

Q. Did the Legislature pay any attention to this memorial; did they appoint a committee as requested? A. No, sir; not that we heard of.

Q. They did not; did you lay these facts before Mr. Hewitt? A. We did not, directly.

Q. Why did you not lay these facts, as they are collected in this memorial, before the then mayor of the city of New York? A. Well, the fact of the matter is that we got a little timid at that time; we found out what the influence of the police was.

Q. Timid of whom? A. The police.

Q. I am not asking you anything about the police; I ask you why you did not lay these facts before the then mayor of the city of New York, Mr. Hewitt; you did not believe he was under the influence of the police, did you? A. We were advised, but we did not do it.

Q. Advised what? A. We were advised to lay before the mayor, but we did not do it.

Q. Why not? A. Because we were afraid.

Q. Afraid of what? A. Of the police.

Q. Afraid of the influence of the police on the mayor? A. No; on our own business.

Q. Had you no confidence in the mayor of the city of New York? A. We did, sir.

Q. If you had confidence in the mayor, why did you not lay this collection of evidence before him in order that he might investigate it? A. I believe we did send it to the committee.



Q. What? A. I understood he had a copy of that before him.

Q. You did lay it before him? A. Indirectly, I say.

Q. Did you ever send a committee of your organization to the mayor of the city of New York with the facts that you had collected, and ask an investigation from him? A. No, sir.

Q. Did you suppose the Legislature was afraid, too? A. Well, we didn't know.

Q. Then, why was it the Legislature did not pay any attention to these facts? A. I can't say.

Mr. Goff.— They did; they passed —

Mr. Nicoll.— No investigating committee was appointed.

Mr. Goff.— They passed, at the Legislature the following year, a law that compelled all police officials to make an affidavit that they were not interested in the sale or manufacture of any whisky, wine or beer; and Inspector Williams refrained from taking the affidavit until the last day required by the statute to take it.

The Witness.— That is a fact.

Mr. Nicoll.— Now, Mr. Goff has helped you out.

Mr. Goff.— No; I helped you out.

Q. We will go on with another branch; I understood you to say the first business you did after you got together in 1888 was to engage a reporter? A. Yes, sir.

Q. Did you engage him as a detective? A. Only to go around and find out who was buying the Hollywood whisky.

Q. And you engaged him as a detective? A. Reporter and detective; he was a reporter.

Q. But he acted for you as a detective? A. Yes, sir.

Q. You engaged him to get information and have it published in the newspapers? A. Yes, sir.

Q. Did he get information? A. Yes, sir.

Q. Did he offer it to the newspapers? A. Yes, sir.

Q. All the great journals of this city, with the exception of some commercial paper — financial paper — called the Journal of Commerce, refused to have anything to do with it and publish it? A. So he reported to us.

Q. You believed him, didn't you? A. Yes, sir.

Q. During 1888, you knew that the learned counsel of this committee was first assistant district attorney, and often acting district attorney of this county, did you not? A. I was not so posted.

Q. What? A. I was not so posted.



Q. Weren't you familiar enough with the government of this city to know Mr. Goff was then assistant district attorney — John Goff? A. Not at that time; I did not take much interest in politics.

Q. Didn't you take enough interest to know who the mayor was? A. Yes; I knew who was the mayor.

Q. Or the district attorney? A. I could not say who was district attorney at that time.

Q. Anyhow, you did not lay any of these facts before him or before any grand jury, did you? A. No, sir.

Q. And although a grand jury met in this county every month for a number of years, in 1888, 1889 and 1890, you never laid the facts before the district attorney, or the grand jury, did you? A. No, sir; not to my recollection.

Q. And you hadn't much confidence in your facts, had you? A. Oh, we had confidence in the facts.

Q. Didn't you have confidence in the grand jury? A. Well, I suppose it never struck us about the grand jury.

Q. Didn't you have confidence in the district attorney and his able assistants? A. The same answer.

Q. It never struck you? A. I never had an idea about doing that.

Q. What? A. It never rose in the association — the question.

Q. And with all the functions of government in this city during 1888 and 1889 — mayor, district attorney and able assistants and grand jury — you never laid these facts before any of them? A. No, sir.

Q. You have no knowledge as to any interest by Inspector Williams in any Hollywood whisky, have you? A. No, sir.

By Mr. Goff:

Q. You have heard of my friend, Mr. Nicoll, didn't you? A. I heard of him; yes.

Q. And you remember when he laid down the cares of office as assistant district attorney of this county before 1889, don't you? A. I could not tell.

Q. About? A. No, sir.

Mr. Nicoll.— Before 1888.

Mr. Goff.— If it was before 1888, it was before 1889.

Mr. Nicoll.— Yes.

Q. You know Mr. Nicoll bore a reputation, and deservedly bore a reputation as a gentleman who was always ready and



willing and able to prosecute those who violated the law, didn't you? A. Yes.

Q. Did it ever occur to you in your association that it was a wise thing to retain Mr. Nicoll to prosecute the police for interfering with your business? A. No, sir.

Q. That didn't occur to you either? A. No, sir.

Q. And did it occur to you up to the present moment that our not only able and distinguished, but handsome, antagonist at this bar was such a good judge and experienced taster of Hollywood whisky, as he has shown himself to be, by this question? A. It never occurred to me.

Q. And I presume you have no suspicion in your mind that Mr. Nicoll is interested in the sale of this Hollywood whisky by bringing out these particulars? A. No; I don't think so.

Mr. Goff.—No; I don't think so either.

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

Direct examination by Mr. Goff:

Q. I see your name here as one of the trustees of the Wholesale Liquor Dealers' Association; is that correct? A. Yes, sir.

Q. Were you interested in the formation and organization of this association? A. I was.

Q. And what was the object of the association; what brought it into existence? A. The object of the association starting was for the purpose of protecting the wholesale dealers against the sale of this so-called Hollywood whisky.

Q. Was it against the sale of the whisky, or against the manner in which it was sold? A. I presume it was the manner.

Q. Tell the committee what the manner was? A. Well, on that score, I have no immediate knowledge myself.

Q. What was the knowledge of the members of the association as an association?

Mr. Nicoll.—Objected to.

Mr. Goff.—We have admitted that before, sir.

Mr. Nicoll.—What was the knowledge of the association, as members of the association? He is asking him now what is the knowledge of other persons.

Mr. Goff.—I am asking now what is the knowledge of the association.

Chairman Lexow.—Upon what facts was the organization of this association based?



By Mr. Goff:

Q. I accept that question; upon what facts that came to your knowledge, or about which you were informed, was this association based? A. Several gentlemen — I think Mr. Peter McQuade, Mr. Keresey, I think Isaac Sommers, and I think one or two other gentlemen formed the Wholesale Liquor Dealers' Association — called a meeting of a few gentlemen at the Stevens House, charged with the purpose of forming an organization to protect the wholesale liquor dealers in an abuse, as they called it, of the police department in forcing the trade to buy a certain brand of whisky; I had no knowledge of it myself; but, being invited to be present, I was selected as its secretary, and invited to draw the constitution and by-laws to govern the association; the membership at that time, I think, was about 10, perhaps 12; when the draft of the constitution and by-laws was submitted to the trade in general, nearly all the prominent wholesale liquor dealers became active members, and the object, as stated, was for the purpose of getting remedial legislation to protect their interests.

By Chairman Lexow:

Q. Against the police? A. Against the system of forcing the trade to buy their goods.

Q. I mean, the sole object of the organization of that association was to protect yourself against the police? A. Yes, sir; that was my understanding of it.

By Mr. Goff:

Q. Were you sent to Albany as one of the committee in reference to this matter? A. Yes; I was sent to Albany as — there were five sent; about three went to lay this matter before the judiciary committee of the house.

By Chairman Lexow:

Q. Of the Assembly? A. Of the Assembly; yes, sir; this was in the fall of 1888; we met the committee, and I opened the argument before the committee and set forth the objects of this visit; I do not think we were kept by the committee over an hour or two, when Judge Green, of Orange, after the close of the hearing, asked us to draft a bill, of such a bill



as we desired to have presented to the Legislature; I think it is of Orange.

Senator Bradley.--Yes; he is of Orange.

Q. In 1890?

Chairman Lexow.—In 1890, didn't the Legislature pass an act prohibiting the police force —

Mr. Goff.—1890?

Chairman Lexow. — 1889.

Senator O'Connor.—And afterward they passed such a bill as they asked.

Mr. Goff.—Yes.

By Senator O'Connor:

Q. That is, you remember a bill was, after the presenting of this memorial, a bill was passed prohibiting the police officials being interested or interfering with the sale of liquors? A. I am not positive whether it was before the presenting of the memorial; I know it was after our hearing before the committee.

Mr. Goff.—The record shows it was in the session laws of 1890.

John L. Martin, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Sailmaker.

Q. And where is your place of business? A. Forty-two South street.

Q. In this city? A. Yes, sir.

Q. Now, in your place of business, haven't you flying from your window a banner or flag advertising your business? A. Yes, sir.

Q. From one of the upper stories? A. Yes, sir.

Q. Over your store; and will you describe that to the committee, if you please? A. I have a banner there about six feet long, probably four feet deep, with my name, and my business on it.

Q. Your name? A. My name and business.

Q. Then this banner is suspended from a flag pole, is it? A. Yes, sir.

Q. Made of canvas, I presume? A. Yes.



Q. A flag pole runs out straight from the window? A. Yes, sir.

Q. And this banner falls from that flag pole? A. Yes, sir.

Q. And how far does the flag pole run out from the window? A. About seven feet.

Q. And how high above the sidewalk? A. Well, about 40, I should say.

Q. So it does not interfere at all with anyone passing by? A. No, sir.

Q. And does not interfere with your neighbor in any way? A. No, sir.

Q. Have you had to pay the police for the privilege of hanging out this little banner from your window? A. I have, sir.

Q. And how long have you had to pay the police for that privilege? A. Well, directly, I never paid them but once; indirectly, I paid them probably 10 or 15 times.

Q. Did you pay them every year, sir? A. Yes, sir.

Q. Every year; so that would be 10 or 15 years? A. No; I should say—yes; I should say about 10 years.

Q. How much have you paid per year? A. All the way from \$3 to \$5.

Q. From \$3 to \$5; and who has collected the money, Mr. Martin? A. I paid the policeman once myself.

Q. The policeman on the patrol? A. No; he was not on patrol.

Q. Was it a wardman? A. It was a man called; I do not know whether he was a wardman or anything else; all I know is, he was a policeman.

Q. What did he say? A. He wanted pay for hanging out the flag; if I did not pay for it, I was fined; I was fined twice in one summer, the year Cleveland was running for President; each fine cost me \$7.50.

Q. Fined twice? A. Yes, sir.

Q. And each fine \$7.50? A. Yes, sir.

By Mr. Goff:

Q. That was the first time Cleveland ran for President, wasn't it? A. No, sir; the last time.

Q. Whenever you paid were you fined or troubled by the police? A. No.

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

Q. When you did not pay a policeman directly, who did you pay? A. Well, I would leave it sometimes in my shop, and



my foreman would probably pay him if he called, and another time there was a man below that used to be there; he is dead now, and I would leave it with him.

Q. You are acquainted with a number of men engaged in the same trade as you are, sailmakers on South street? A. Yes, sir.

Q. Is it not a matter of common occurrence among the men engaged in that trade to pay in a similar way that you have paid? A. That I could not say positively.

Q. I know; not of your own knowledge; haven't you? A. Hard to state; I have heard the remarks, but I do not know personally.

Q. You did not see the money passed; but isn't it a generally understood thing among the men, among the sailmakers?

Mr. Nicoll.—Objected to.

A. One wouldn't tell the others.

Mr. Goff.—I ask those questions particularly of this witness, Mr. Chairman, because Senator O'Connor asked such a pertinent question yesterday, as to whether there was anything in New York which the police did not tax. This was something new, and I thought I would treat the Senators to something novel.

Cross-examination by Mr. Nicoll:

Q. Where did your banner hang? A. Out of the fourth-story window.

Q. Did it stretch across the street? A. No, sir.

Q. Did it hang on a pole? A. It hangs on a pole out of the window, and a wire rope over the top of the roof, hung on guides.

Q. It hangs out of the window, and the wire going to the roof? A. No; it hangs from the top of the roof.

Q. From what window does the pole extend? A. In the middle window.

Q. In what story? A. Fourth story.

Q. Now, to hang a banner of that sort, you have to have a permit, don't you? A. What?

Q. You have to get a permit? A. We can get a permit for a sign two feet long; our city officials are very liberal, you know, and they give us a sign two feet long on a permit, and who can read a sign 35 or 40 feet high, two feet long.

Q. You will have to put that conundrum to someone else? A. Your sight is better than mine; I am 70.



Q. They did not give you any permit for the banner? A. No, sir.

Q. And you wanted to hang the banner out without a permit? A. No, sir; I had been there to the City Hall for a permit, and I could only get a permit for two feet.

Q. You wanted to hang a banner without a permit? A. We wanted to hang a banner anyway; we wanted it as a sign.

Q. You wanted to hang a banner out there without a permit, if you could not get one? A. Yes, sir.

Q. You knew, when you hung the banner out there, it was against the law, didn't you? A. Yes.

Q. And, knowing that it was against the law to hang the banner, you were willing to pay the police officer not to make arrests; that is it? A. When I first hung it out, I did not think anything about the police at all.

Q. When you did pay — at the time you gave him \$3, you were willing to pay him not to make the arrest or complaint? A. Before I knew about the police, my sign was out there over a year before I was asked to pay anything.

Q. Answer my question, please, so as not to take all the afternoon on this one phase; I say you wanted to hang out your banner? A. Yes, sir.

Q. You knew it was not lawful? A. I knew it was not lawful to have that size.

Q. You were willing to pay the police officer not to make an arrest? A. I did not make a request of the police officer; I paid him that not to be fined.

Q. Not to make a complaint; wasn't that it? A. Yes; exactly.

By Chairman Lexow:

Q. To permit you to violate the law? A. That is it.

By Mr. Nicoll:

Q. To permit you to go on violating the law? A. Yes, sir.

Q. Did you continue to do that? A. Yes, sir; I have, ever since.

Q. Now, you say you paid one police officer \$3? A. I say I paid one policeman \$5.

Q. What year was that? A. That was last year; that is the only time I ever paid a policeman personally.

Q. Eighteen hundred and ninety-three? A. Eighteen hundred and ninety-three.



Q. It was in 1893 you paid him \$5? A. Eighteen hundred and ninety-three.

Q. Eighteen hundred and ninety-three? A. Eighteen hundred and ninety-three.

Q. Did you ever, yourself, pay a policeman before that? A. No, sir.

Q. Did you ever have, until 1893, any conversation with any police officer in relation to payment of money? A. Yes; when I was fined twice, the year Grover Cleveland was put in; then I was fined twice in one summer; then I made a little bit of a kick, and claimed it was carried higher; that, being a Democrat, and I supposed the policemen in New York were Democrats, I thought it queer they should fine a Democrat.

Q. Did you think they had any more rights, in regard to violations of the law, than the Republicans? A. No.

Q. You did not mean that seriously? A. No.

Q. I say, did you ever, yourself, have any conversation on the subject of money with a police officer, except this \$5 transaction in 1893? A. I had a talk with a man once when I was fined twice, and he told me I could settle it with the police.

Q. Did you pay him any money? A. No; I say I only paid one man once.

Mr. Nicoll.—That is all.

By Senator Bradley:

Q. Did you know that police officer? A. No; I do not.

By Chairman Lexow:

Q. You don't know his name? A. No.

Q. You would know him if you saw him again? A. I don't think I would; I know he was a red-headed man.

By Mr. Goff:

Q. You have stated, when you were fined, you had a conversation with a policeman; what was that conversation? A. Well, I asked him if there wasn't some way I could settle it without having to go to court about it, and he told me where I should go to settle it up; that was the first time I was fined; and I went up in Beekman street, and there I settled my fine, and it cost me \$7 and some odd cents.



Q. The corporation attorney's office? A. Yes; and it wasn't only about — I happened to be out of the city a short time, and I was fined again, and my foreman settled that.

Q. You have stated you had your little banner out for a year before you thought of the policeman? A. Yes, sir.

Q. How was the policeman brought to your knowledge in connection with the hanging out of this little banner? A. Because I was fined.

Q. Who was it suggested it to you that you could get rid of paying a fine by paying the police, simply? A. I got that by a gentleman who is now dead and gone, and he told me how I could get clear of it.

Q. Who was the first policeman you saw in reference to it? A. I only saw a policeman, but this time I told you about it.

Q. As soon as your friend that is dead told you how to get rid of it, you made your little donation? A. I sued to pay the money to him, and he paid the police, I suppose.

Q. But you did pay it to him? A. Yes, sir.

Q. And the matter was arranged? A. And the matter was arranged.

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

Direct examination by Mr. Goff:

Q. Is Mr. Moore your name? A. Yes, sir.

Q. What is your business? A. Sailmaker.

Q. Where are you engaged in business? A. Twenty-seven South street.

Q. Did you have a little flag or banner hanging from one of the windows? A. We have a banner runs right straight out from the third-story window.

Q. About what are the dimensions of it? A. It runs about eight feet, I should think.

Q. Does that include the flag pole? A. The pole runs a little further than that.

Q. How high is that above the sidewalk? A. I suppose the bottom of the banner, about 30 feet.

Q. And on this flag or banner is your business, I suppose? A. Yes, sir.

Q. Your name, sailmaker? A. Yes, sir.

Q. How much did you pay the police for hanging that out?



A. I have been there for a good many years; I used to get a permit for it, and years ago—I have been in the building 28 years—and I used to always get a permit; twice I did not get a permit, and I kept it hung out, and they fined me three or four times, and I got a gentleman to go and get the fine off, a friend of mine; and at last the policeman came around some three years ago, and said he could arrange it for me if I would just give him a small donation.

Q. Did you give the small donation? A. I did, for the last three years, except this year, he hasn't had any.

Q. How much did you give? A. Five dollars.

Q. Five dollars each time? A. Yes.

Q. Now, when you commenced to make these small donations, you were not troubled afterward by these police? A. No; I was not troubled afterward.

Q. You are acquainted in the trade down there? A. Pretty well.

Q. Isn't it the common custom of the sailmakers down there to pay the same as you?

(Objected to.)

A. I have heard so, but I don't know anything; I am not positive.

By Mr. Nicoll:

Q. Did you read Senator O'Connor's interview in the Times this morning? A. Sir?

Q. Did you read Senator O'Connor's interview in the Times this morning? A. I did not.

Q. Did you read it in the Tribune? A. No.

Chairman Lexow.—Excuse me. Come down to business. That has nothing to do with this investigation.

Mr. Nicoll.—I was just going to ask him. You will see how important it is in a moment.

Q. Did you read the statement of Senator O'Connor, one of the members of this committee, that the merchants and business men, who paid money to subordinate police officers not to do their duty, ought to be prosecuted? A. I do not recollect reading it; I don't think I read it; there is so much of it, I don't get much time to read it.

Q. You did not get time to read it? A. No; I did not get time to read it.



Mr. Goff.—What does he care, as long as he is all right with the Pantata; he don't care about prosecution.

Mr. Nicoll.—Well, I don't know. I don't think you ought to speak that way about one of your employes.

Mr. Goff.—I speak of it sadly, that one of my employes is not in it with one of the Pantata's.

By Senator Bradley:

Q. One question; do you know the policeman's name you paid the money to? A. There has been two; the first one I paid twice; and the first one he gave me his name; I couldn't tell you.

Q. Was it the man patrolling the beat or the wardman? A. I think not.

Q. Was it the wardman? A. I don't know.

Q. Did he tell you who sent him there? A. He intimated he was from the district station-house.

Q. Did he tell you he was from the station-house? A. No; he did not.

Q. He did not give you his name? A. He gave me his name, one of them, but I have forgotten it; I took it down, but lost it.

Q. Did either of them tell you where the money was going to? A. He did not say.

David N. Holly, 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. Sailmaker.

Q. And where are you engaged in business? A. Maiden Lane and South street.

Q. How long have you been in business? A. I have been in business about 40 years.

Q. After you went there? A. Not in that corner, though.

Q. Down in that location? A. Down in that locality; yes, sir.

Q. Have you been hanging one of these little banners on your outer walls? A. Yes, sir; always.

Q. Have you had to pay the police? A. Yes, sir.

Q. How much have you had to pay? A. About \$5 a year.

Q. About \$5 a year; and to whom did you pay the money?  
A. Well, I paid it to the officer himself.



Q. The patrolman on the beat, or the man that came around?

A. The wardman.

Q. That was in old Slip Station precinct, the first precinct?

A. Well, around there.

Q. Do you know what captain is there now? A. No, sir; I don't know the captain.

Q. Do you remember the captains being there since you have been paid? A. No, sir.

Q. Remember the captains' names? A. No, sir.

Q. But no matter what captain came in there your pay continued the same? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. When did you make the first payment? A. About eight years ago; I guess seven or eight years ago; seven years ago; no — somewheres in that neighborhood.

Q. Did you pay yourself? A. I have paid; yes, sir.

Q. You are not testifying to any occasion when you did not pay, are you? A. No; not particularly; only some years; the last two or three years; three or four years.

Q. Are you testifying, and have you testified in response to Mr. Goff's questions to any payments which you did not make yourself? A. Nobody ever gave any money for me; I gave it myself.

Q. Yourself? A. Yes, sir.

Q. To the officer? A. To the officer; yes, sir.

Q. Yourself? A. Myself.

Q. Was anybody else present when you gave it except the officer and yourself? A. I think my son.

Q. Your son was? A. Yes; he was with me.

Q. Every time? A. Not every time.

Q. What time? A. Well, I think it was one of the first times I gave it.

Q. What year? A. I guess I would have to go back six or seven years ago.

Q. Are you going to swear to that positively; are you going to put yourself down on record positively? A. No, sir; I am not.

Q. I want you to swear positively? A. I am telling you I paid the money.

Q. Tell me what year you paid the money; when your son was with you? A. I would have to look.

Q. You don't recollect? A. No; my son can, probably.



Q. I don't want the probabilities; please don't indulge in probabilities? A. I can not give it right without going to the books; I gave the money; that is positive; that is positive.

Q. I understand you to say that; I have no doubt you will keep on swearing to that; but I want you to swear as to the time he was present; was anybody present when you gave the first sum of \$5? A. I would have to think that over.

Q. You can't recollect? A. Not positively.

Q. Was anybody present the second time? A. No; not the second time that I know of.

Q. Nobody was present? A. You asked me those questions; I can not bring my mind down to it.

Q. As a usual thing, no one was present? A. Well, my son was there; I think he could testify to some of the times I gave it; I have always been in the habit in my early days of hanging out signs; it is on South street, and don't interfere with anyone.

Q. Are you able to swear to-day anything distinct as to the time? A. No; not positively; not to the date; I would not swear to the date.

Q. Or state who was present? A. Nor the persons who were present; I would have to ask my son about the time I gave that.

By Senator Bradley:

Q. Where did you pay the officer; did he go into the sail loft to you? A. He came up into the office.

Q. And demanded and asked you for the money? A. Yes, sir.

Q. Do you know the officer? A. The first officer — the first — his name was Bagone, several years ago; he is long out of that.

Q. Every time you paid the officer came up? A. Yes.

Q. Did he come the same time every year? A. Not the same time; this last year he hasn't been.

Louis 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. Sailmaker.

Q. Where is your business? A. Forty-three South street.

Q. How long have you been in business for yourself? A. About one year.

Q. Before you were in business for yourself as sailmaker, were



you in partnership or employed by anybody else? A. I was employed by Charles W. Potter.

Q. At what place? A. Forty-three South.

Q. What position did you occupy? A. Well, as foreman there.

Q. How long were you with Mr. Potter? A. About 17 or 18 years.

Q. During the years that you were with Mr. Potter, were you in the habit of hanging a banner outside? A. Yes, sir.

Q. Advertising your business? A. Yes, sir.

Q. What were the dimensions of that banner? A. About six or seven feet square.

Q. Six or seven wide? A. Yes, sir.

Q. About how high from the sidewalk? A. Forty feet.

Q. This banner was made of canvas? A. Yes, sir.

Q. And your name or Mr. Potter's name? A. Yes, sir.

Q. And his business painted upon it? A. Exactly.

Q. Did Mr. Potter pay himself, or through you pay anything to the police? A. Yes, sir.

Q. On account of hanging that banner out? A. Yes, sir.

Q. How much? A. Five dollars a year.

Q. For how many years? A. Oh, 10 or 15 years, as near as I can judge.

Q. You know about the change of captains in that precinct, don't you? A. I don't know anything about the change of captains; I know the man came up, and I paid \$5 every year.

Q. You were not interested in the captain? A. No, sir; the \$5 had to go.

Q. Was the man that called in uniform? A. He was once; the first time he came up I know he was in uniform; I think once or twice in uniform.

Q. The other times in civilian's dress? A. Yes.

Q. It was the same man came all the time? A. No; different men.

Q. What was the consideration you got for paying the \$5? A. To have the banner extending out of the window.

Q. You were not interfered with or complaint made as long as you paid the money? A. No.

Q. Did you give the money to the officer? A. Yes, sir.

Q. Every time? A. Every time.

Q. Did you ask where the money went? A. He said it went to the police pension fund; I did not believe him, but that is what he said, and I did not believe it.



By Chairman Lexow:

Q. How did you come to pay that first? A. Well, he came up in uniform, and he did not state his business first off, and he wanted to see Mr. Potter, and, after seeing Mr. Potter, I saw him, and Mr. Potter told me what it was about, and gave me the money, and I handed it to the policeman.

Q. Did you have any conversation with him about it? A. We did.

Q. The first time when the first demand was made? A. Yes; you mean the policeman?

Q. Yes; what did the policeman say? A. He did not say what it was for, and he wanted to see Mr. Potter particularly.

Q. And the conversation was had with the principal? A. Yes, sir; and afterward he made no bones about it, and spoke to me, too.

Q. And came upstairs and spoke to you directly? A. Yes, sir; spoke to me directly; came right upstairs and spoke to me.

Mr. Goff.—I wish to say, Mr. Chairman and Gentlemen, that we have a large number of sailmakers. We do not wish to take up the time of the committee for this evening any further in that direction, but I state it as a fact, that that is the uniform custom all through the district occupied by the sailmakers. We have simply selected these few witnesses so as to prove the existence of that fact before the committee. Any gentlemen here from South street, sailmakers, are excused.

Chairman Lexow.—I do not see any necessity of amplifying that fact, without it is disputed.

Mr. Goff.—We have ascertained it is the uniform custom down there.

Mr. Nicoll.—No names have been mentioned. They have not mentioned any officers, or any individual, as having received any money.

Chairman Lexow.—No; but places have been given, and the officers on the beat there have been named, while firm names have been mentioned that have been designated as having paid the money.

Antoine Zucca, 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. I am a fruit broker.



Q. Are you the president of any society of fruit sellers? A. I am the president of the Italian Fruit Dealers' Association.

Q. Now, as president of the Italian Fruit Dealers' Association, do you not know it as an existing fact that the Italian fruit dealers of New York have to pay for their fruit-stands on the sidewalk to the police?

(Objected to; objection overruled.)

Mr. Goff.—I am asking as to his knowledge.

The Witness.—Generally, all the complaints they make to me about paying something to the police.

Mr. Nicoll.—I move to strike it out.

By Chairman Lexow:

Q. You mean to say you are the headquarters to which they go to make their complaint? A. Generally, they make the complaint to me about when they did pay something to the police.

Q. In your official capacity as president of the association? A. Generally, when they are in trouble, they all come to me to get some help.

Q. As president of the association? A. Of the association.

By Mr. Goff:

Q. And it is the general custom among them that they have to pay the police, isn't it? A. They generally say so.

Mr. Goff.—No further question.

Mr. Nicoll.—I don't think evidence of that sort ought to be dignified as testimony.

Chairman Lexow.—We take it for what it is worth. I don't think it is strong evidence.

By Senator Bradley:

Q. Do you know of the fact of anyone of them having to pay money for protection, for the privilege of keeping their stands on the sidewalk; do you know of any individual that has to do it, of your own knowledge? A. On their meeting — we meet once a month, and, of course, they come to me, and they say, "I paid so much to —"

Q. How much would they mention? A. I suppose \$25 or \$10, and push their carts pay \$1; in last December, when we had



in Tammany Hall a masquerade ball of the association, when we arranged the hall with fruit, I called Mr. Richard Croker.

Q. You called Mr. Richard Croker to examine the decoration?

A. And I told him that there is a general complaint of all my people had to pay something to the police in America for to use the sidewalk, or for have some protection in the way of selling their wares, their fruit.

Q. What did Croker say to you? A. Mr. Croker said that, so far that the Tammany Hall will have the control of the charge of the city, they will see that the business, or the mercantile business of the city, will be — the law will be in their interest, and so of all the people in New York; only Mr. Croker is not a man that don't speak very much; and on that ground on the Fruit Exchange I made a motion to have the law of 1880, I suppose section 31 or 32 or 34 to 61 — we made a motion to petition to the board of aldermen to change the law, as we thought it was more really the fault of the law than the fault of the police; accordingly, the law of 1880 — no one in the market or any place can do business by using the sidewalk; we made a motion to the board of aldermen, and I should think the aldermen passed that resolution to that effect to change that law; but I believe the mayor did not sign it, on account of Mr. Clarke, the corporation counsel, you know, gives something that it is not constitutional, or something of that kind.

Q. That was before election he made you that promise, wasn't it? A. It was on the 26th of December.

Q. What year was that in? A. Last year.

By Mr. Goff:

Q. Now, you are yourself the president of a Tammany Hall organization, aren't you? A. I am only on the general committee of the Twenty-eighth district.

Q. You are on the general committee? A. Yes, sir.

Q. I want to ask you if you know a fruit dealer of the name of Gargueles? A. Yes, sir.

Q. Where is his place? A. Seventy-two Barclay street.

Q. Didn't Gargueles admit to you that he had paid money to the police? A. Yes; he showed me his book when he paid \$25.

Q. And he swore here yesterday, I think it was, or the day before, that he did not admit to you or to any other person that he had paid money to the police; now, did he swear to what



was true or untrue, when he swore that? A. So far as I see it in the paper, he said he was only fooling.

Q. I know you saw in the newspaper he said he was only fooling? A. That is all.

Q. But he denied having admitted to you that he had paid \$25 to the police; now, when he said that, did he say what was true or untrue? A. I think he said untrue.

Chairman Lexow.—He says it is untrue.

Senator O'Connor.—How would that kind of evidence be competent against anybody on the broadest theory even of an investigation of this kind; how can we admit evidence of that character? You put on one witness. All the evidence is that this witness lied when he said he did not pay the police.

Mr. Goff.—It is an admission, and admissions are always in evidence, and good evidence against the party that makes them.

Senator O'Connor.—That is all right; but we are not trying that party.

Mr. Nicoll.—It is a late repentance on the part of the committee, because they have received a great deal of such evidence.

Chairman Lexow.—The testimony was admitted, and therefore this testimony is admissible. Senator O'Connor was giving his personal judgment on the subject.

Mr. Nicoll.—I have been present when the committee has received just such evidence as Senator O'Connor has now so properly condemned. I have seen witnesses put on the stand and asked whether or not they did not state that.

Senator O'Connor.—Not unless they were connected with the police department.

By Mr. Goff:

Q. Do you remember an article having appeared in the papers about the Italians having to pay the police for the use of the sidewalks by their fruit stands? A. Well, there was a good many of those articles; I don't know which you refer to.

Q. Do you remember at any time after an article had appeared in the public press that an ordinance officer; that is, the police officer, went around to the fruit-stand keepers threatening them to keep quiet, or to say nothing about it? A. I do not know anything —



Q. Do you remember an ordnance officer having been transferred from that neighborhood down there on account of the publication of an article in a newspaper? A. Yes, sir.

Q. Don't you remember after he was transferred he went around the very next day to the fruit-stand keepers, telling them they must keep quiet, and say nothing about it? A. You mean Mr. Hickey.

Q. Yes; that is so; isn't it? A. Yes.

Q. Don't you know he had been collecting from the fruit-stand keepers quite a while? A. There is a general impression; I did not see personally him give any money myself.

Cross-examination by Mr. Nicoll:

Q. You, yourself, never saw anybody pay any money to the police, did you? A. No, sir; I have been many times around the captain, about all the captains of the police in New York, but I never offered any money.

Q. You, yourself, have not done so? A. I never did, sir.

Q. All you have testified to is conversations you have had with other persons? A. All the complaint that the people of our organization made to me as the president.

Q. And you have no personal or direct knowledge of any such corrupt transaction? A. I don't know any; I never see handled any money.

Q. I understood you to say that you told Mr. Croker of the complaints which had been made to you in your association? A. Yes, sir.

Q. And that he said to you that as long as the Tammany Hall organization has control they propose to protect the mercantile interests of the city; is that it? A. Yes; something to that effect; he talks very shortly; he don't talk very much; that was about the idea he conveyed to me.

Q. Was it in consequence of that conversation that the resolution or ordinance was introduced in the board of aldermen? A. Yes, sir; I made a motion on the first meeting after that conversation in the Fruit Exchange; and the Fruit Exchange nominated a committee of three, Mr. Goodsell, Mr. Zower and myself, to make this petition, and we made the petition, and showed the petition to Mr. Morgan, Alderman Morgan; and the petition stated that some of the fruit men complained they had to pay for protection of the police really what they are entitled



to without paying anything, and Mr. Morgan stated that we had better leave that out, and so we left out some of those statements of that sort, and we only asked the board of aldermen to change, to amend the law of 1880, so that the people in America could use the sidewalk to a certain extent; of course we state we don't want a law for Fifth avenue should be different to what the law is for Washington market; the fruitmen — the produce-men should have some kind of way — chance to expose their wares and their fruit, so they can sell it the same as it is in Boston, in Philadelphia, in Chicago, where they have a certain section of the city where they can do their business; this was about the idea of the petition.

By Chairman Lexow:

Q. You meant by that to pass a law according to which the police would not have anything to sell; wasn't that it? A. So the fruit men would not have to pay anything to the police for what they are entitled to in their business; that is really what we claim is more a fault of the law than the police.

Q. And the board of aldermen passed your resolution? A. They did.

Q. And it was found to be ineffective by an opinion of the corporation counsel? A. Yes.

Q. So, the mayor vetoed it? A. I do not think he vetoed it; did not sign it.

Q. It was after Mr. Croker gave the word that the resolution was introduced into the board of aldermen, wasn't it? A. Well, Mr. Croker would speak, only it was only 6 o'clock.

Q. It was after Mr. Croker giving word that the resolution was introduced into the board of aldermen? A. Yes, sir; I made a motion.

Senator Cantor.— After he gave the word to the witness.

Mr. Goff.— I assume that; and it was passed, of course, as they were bound to pass it.

Senator Cantor.— No; bound by the facts; that is all.

Patrick Ryan, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Ryan, I call your attention to stub check-book, dated from November 25, 1893, to January 31, 1894, to stub No. 435,



name C. W. Dayton, date January 12, 1894, \$57.20, post-office; you know what that was for? A. Dayton; yes, sir.

Q. What was that for? A. That was goods I bought of the United States post-office at that time.

Q. Goods you bought of that United States post-office? A. Yes, sir; you will find a good many there.

Q. Now, I find a check of the same number, a return voucher of yours, and of the date January 13, check 435, beneath, "To the order of bearer \$100;" there is no indorsement on it; can you tell me to whom that check was given, the same number of the check as the stub calls for to Mr. Dayton? A. There is no indorsement on it, and still it went through the bank, I suppose.

Q. No indorsement on it? A. I could not tell.

Q. And it is the same number of check as Mr. Dayton's? A. I could not tell as to that, because I frequently brought checks, and my neighbors cash them on Saturday afternoon, especially when we make up the pay-roll.

Mr. Nicoll.—Speak up louder.

A. We come to make up the pay-roll, and our neighbors, in the neighborhood, think I am not there, and my son has got a check, and he goes in next door and gets the check cashed, and there is no indorsement on that.

By Chairman Lexow:

Q. It would not have an indorsement drawn to bearer? A. Well, perhaps the bank cashed that check.

Q. Your pay-rolls exceeded \$100 a week, didn't they? A. Yes.

Q. They were about \$375, weren't they? A. Yes; at one time before the panic set in.

Q. This \$100 payment would not account for any pay-roll check? A. No; we may be short of cash on hand.

By Mr. Goff:

Q. I find in the same check-book, from which I have last read, another date of January 15, 1894, 144, check payable to Wauhope Lynn, professional services, \$50; what is that for? A. Counsel fees.

Q. Yes; counsel fees; that is Judge Lynn? A. Yes; judge now; he was counsel at that time.

Q. This was 1894? A. Yes; that is professional services, sure.



Q. He was judge then? A. He was; and he defended the case for me; that is his fee for him.

Q. He defended a case in court for you? A. Yes, sir.

Q. That had nothing to do with the corporation ordinance?  
A. No, sir.

Q. I find in the check-book that I have read from after the date January 15, 1894, check to Judge Lynn for \$50, dated January 15th; I find that on the next day, January 16, 1894, there is a check made payable to the corporation attorney for \$7.50? A. Yes, sir.

Q. Was that the case Judge Lynn defended in court? A. No, sir; it was not.

Q. Had the payment of Judge Lynn any relation to the payment of this fine? A. No, sir; another matter; a private matter.

Q. Now, I read from stub check-book, June 17, 1893, to September 5, 1893, stub check-book No. 95, I hand you the return voucher, dated July 20, 1893, "Pay to the order of bearer \$50, Patrick Ryan;" what does that stand for? A. That stands for the same that you find hundreds of others stand for; I can not tell you what these things are now; that is a common thing I did to sign a check to bearer; it may be an accommodation.

Q. This stub says, "Mr. Kelly, police money"? A. Well, I suppose Mr. Kelly had that money; I didn't hand him any money.

Q. This check is the check calling for the \$50 of this stub?  
A. That may be.

Q. And that is your signature? A. Yes; that may be; I didn't hand them; that was signed the same as other checks.

Senator Bradley.—That is not indorsed. It is charged on the book to Officer Kelly.

By Mr. Goff:

Q. What is meant there by "police money"? A. I could not tell you what that meant; I did not give that money, as I told you, that money; I sanctioned it, I suppose; but the check was given out before I knew anything about it.

Q. This Mr. Kelly was the roundsman there, wasn't he? A. No; he was the wardman.

Q. What did you countenance the giving of \$50 out to the wardman for? A. Why did anyone of us do it; why did hundreds of others do it.



By Chairman Lexow:

Q. You said, why did your neighbors do it; do you know your neighbors did it? A. I did not; but by the talk of numbers I know it now; I did not know it then.

Q. After you had seen that check drawn to bearer for \$50, which has been apparently cashed over the bank's counter, is your recollection refreshed as to the use put to the check for \$100 to bearer that was handed to you a moment ago? A. Yes, sir; I think so.

Q. What is that check for? A. Where is that \$100 check. Senator Bradley.—He says his memory was refreshed.

By Chairman Lexow:

Q. Was that paid for police money in the same way? A. I guess it must be; I would not swear to it.

By Mr. Goff:

Q. I read from the stub check-book, Exhibit No. 1, of this date for identification, and I hand you the return voucher? A. What date is that?

Q. November 12, 1892, check No. 1004, stub saying, "Captain of police, \$100;" return voucher says, "Pay to order of bearer \$100;" is that your signature on that check? A. That is my signature; that is mine.

Q. Now, who was the captain of police, to whom that money was given? A. What date was that?

Q. November 12, 1892? A. Well, let me see; if I am not mistaken, Stevenson was our captain at that time.

Q. Captain Stevenson? A. I think so.

Q. The Leonard street station? A. I think so.

Q. Who was Charles Raherman whose name is indorsed? A. He keeps a liquor saloon on the corner of Washington and Morton, opposite my place of business.

Q. And you cashed the check there and the money was handed to the police captain? A. No; I did not hand it.

Q. Who did? A. Somebody else did; I did not do it.

Q. Since you have seen that check and see that is a check for \$100 drawn to bearer, and the stub is marked for the police captain, have you refreshed your recollection with reference to the other check for \$100, so as to say whether or not that other



check for \$100 went for the same purpose? A. What date is that?

Q. November 12, 1892; that is, the captain's check.

Chairman Lexow.— They are just about a year apart.

The Witness.— To what check have you reference?

Mr. Goff.— The other check for \$100.

Mr. Nicoll.— Does he say he paid any money to a captain?

The Witness.— That has nothing to do with it.

Chairman Lexow.— Check No. 435.

The Witness.— What date was that?

Mr. Goff.— January 13, 1894.

Senator O'Connor.— This year? That is about a year later.

The Witness.— That was an ordinary check I myself have got cashed. That was about that time.

By Chairman Lexow:

Q. You said in answer to my previous question with reference to this check for \$100, after refreshing your recollection, with reference to a check of \$50, that that check for \$100 was also given to the police? A. No.

Q. Now, after seeing the check for \$100, which the stub said was given to the police captain, can you refresh your recollection with reference to this other \$100 check, and say whether or not they went to the same persons? A. I can not recollect all those things.

Q. Was it made out to bearer? A. To bearer; the man must have got that check cashed by some of my neighbors, as well as others got cashed.

Q. The check that went to the police captain, according to the stub of your book, and which you admit was paid to the police captain was also to bearer; now, this other check is for \$100, and payable to bearer; and you stated you had refreshed your recollection in regard to this other check after seeing the Kelly check, so that you could say that check was also intended for the police? A. No, sir.

Q. After seeing this \$100 check that went to the police captain, are you prepared to swear that check of \$100 did not also go to the police captain? A. I am prepared to swear it.

By Mr. Goff:

Q. But you know, Mr. Ryan, you may be mistaken; you know that when you came on the stand here first you said you never



paid any money to the police? A. Personally I did not; I gave those checks in a promiscuous quantity and my son is authorized to give away checks to the proper parties.

Q. You, as an honest man, would not want to take refuge behind such a technicality that you did not hand it personally?

A. I did not hand it personally; I did not pay it myself personally, and I did not know whether it was paid or not.

Q. Let me ask you about this check of \$100 that was paid to Captain Stevenson; how did that happen to be paid? A. It was a regular tariff, I think, on that.

Q. We want the facts? A. Yes; a regular tariff.

Q. A regular tariff? A. Yes, sir.

Q. The police laid the tariff? A. Yes, sir.

Q. What was that; for keeping the sidewalks —? A. That was for using the sidewalk; using the sidewalk.

Q. How was the tariff arranged so \$100 was paid? A. That was for a year.

Q. For a year? A. Yes, sir.

Q. In addition to the \$50 you paid Kelly the wardman, and in addition to the \$50 you paid Captain Stevenson of the Leonard street station; did you ever pay anything to the captain of Charles street station? A. Yes, sir.

Q. You have a place also in the precinct — in the Ninth precinct, isn't it? A. I have.

By Chairman Lexow:

Q. How much did you pay to the Charles street station? A. One hundred dollars.

By Mr. Goff:

Q. Let me see, Mr. Kelly, where is your place of business in the Ninth? A. I am in Morton street, near Washington.

Q. That is all; that is in the Ninth precinct? A. Yes, sir.

Q. And was Captain Thompson captain of the precinct when you paid the money? A. He was there at that time; I did not pay it to him.

Q. Who did you pay it to? A. I believe it was paid to the wardman.

Q. To the wardman? A. Yes; I believe so.

Q. What was the wardman's name? A. He was there long; he was there long before.



By Chairman Lexow:

Q. Do you remember his name? A. I forget his name; I will recollect though.

By Mr. Goff:

Q. How did you pay that money? A. It was in cash.

Q. Where did you hand the money to the wardman? A. I handed it to him in the saloon.

Q. What saloon? A. Joseph Grassmuch.

Q. That is near your place of business? A. Nearby.

By Senator O'Connor:

Q. Did you pay this \$100 every year to each precinct? A. No; it was very liberal at first; they kept increasing it.

Q. Recently, have you paid it every year? A. No.

By Chairman Lexow:

Q. What was it at first? A. There was no tariff on it at first; a \$10 bill or \$5 bill.

Q. When was the first tariff fixed? A. I don't remember about that.

Q. What is the amount of the first tariff? A. I couldn't tell you.

Q. Twenty-five dollars, or \$50, or \$75? A. In the neighborhood of \$20.

Q. And they increased from \$20 to what? A. It got to be a regular system; it got to be a regular system.

Q. Can you say in what year this regular system was introduced? A. I could not say.

Q. Was it four years ago? A. No.

Q. About three years ago? A. I think so.

Q. And then they increased the price from \$20 or from what you would give? A. Yes, sir.

Q. To \$100; is that so? A. That was the price of that precinct, on two or three occasions, I think.

Q. Then you paid from three years ago, until this year, each year \$100 in that precinct? A. Why, no; not as much as that; it was increased in the last couple of years.

Q. How much did you pay three years ago? A. About \$50.

Q. Fifty dollars? A. About that.



Q. Then it was increased from \$20 to \$50? A. Yes.

Q. And two years ago it was increased from \$50 to \$100?

A. Yes, sir.

Q. And the last two years you paid \$100? A. That \$50 Kelly got was for a year; I reduced it myself, and I told him I wouldn't stand it.

Q. You reduced it from \$100 to \$50? A. Yes, sir.

By Senator Cantor:

Q. You would not stand the tariff, and paid only 50 cents?

Chairman Lexow.— Fifty dollars.

Q. And in the other two precincts it was \$100? A. One of them I did not pay a cent.

Q. What was that? A. The Fourteenth.

Q. You never paid \$1 there? A. No, sir.

Q. Was there any fixed in the other precinct? A. This only one — Thompson.

Q. That was only one? A. That was only one year.

Q. What year was that? A. Well, shall I tell you the date of that by that check; that is a cash payment.

Q. Well, you paid the wardman, as I understand it? A. Yes, the wardman.

Q. When was the last payment you made in that precinct in the Charles street station? A. That is not since I paid the \$100; since the change of captains they have not bothered me.

Q. Have you paid there within a year? A. It is more than a year since I did it.

Q. What is the date of that? A. The date of that check?

Q. Before that check, how much did you pay? A. That was in cash.

Q. That check represents the cash you gave? A. That was the only money.

Q. Didn't you make any contribution before then in that precinct? A. No.

Q. Did the wardman come and make that demand upon you? A. Yes, sir.

Q. Did he give you any reason why he made that demand?

A. He said that was the tariff.

Q. He said that was the fixed and payable tariff for that precinct? A. Yes; I think those are the words he used.



By Mr. Goff:

Q. For instance, I find here, check No. 215, under date of September 21, 1893, paid to the order of Tammany club, \$5?

A. Tammany club?

Q. Tammany club, M. Schlessinger? A. That is right.

Q. For a special to William Hopkopf; are you a member? A. Not of that club.

Q. What was that \$5? A. It was an excursion ticket.

Q. Chowder ticket? A. Chowder; yes, sir.

Q. Now, I find here a year after you made the check payable to the police captain, the check dated November 12, 1892? A. Yes, sir.

Q. I find on November 18, 1893, check No. 289, payable to the order of William A. Washington, \$125? A. Was that made out to Washington, or made out to Grassmuck?

Q. William Washington? A. Was that the date; I will explain that easy enough.

Q. Who is Washington? A. I don't know; he is Mr. Grassmuck's banker, that is all I know about it; any checks that Mr. Grassmuck cashes for his neighbors or friends, he turns them over to this banker, this Mr. Washington.

Q. To this Mr. Washington? A. Yes; that is the only explanation I can give of that.

By Chairman Lexow:

Q. That was simply to get cash money? A. Yes; that was it; that was an accommodation to me to get cash money.

Chairman Lexow.—What is the date of that?

Mr. Goff.—November 18, 1893.

By Mr. Goff:

Q. I find quite a number of checks drawn by you to the order of Katie Grassmuck; and all in the sum of \$100? A. Yes; that is the general case; when I got a check cashed there, I got a check cashed for \$100.

Q. You drew your check payable to the order of Katie Grassmuck, \$100? A. That is my wife; I don't try to tell who goes with the checks, myself.



Q. I find all the checks you draw to the order of Katie Grassmuck are indorsed by William A. Washington? A. Washington, as I told you before, deposited his check; he is the bank.

Q. Have you now stated to this committee, under the solemnity of your oath, notwithstanding what you may have said at the commencement of this examination; have you now stated all the money that you have paid to the policemen in any manner, shape or form? A. Now, that is asking a great deal; I would have to go back a great ways to tax my memory.

By Chairman Lexow:

Q. How far would you have to go? A. About 30 years.

Q. Do you mean to say by that you have for 30 years continuously paid to the police? A. Well, in one way or another; that is, around the holidays, and be friendly, and like of that.

Q. Making presents and contributions and things of that sort? A. Yes, sir.

Q. You felt that you were perfectly justified in making presents to the police, even if that present had the effect of giving you rights in the sidewalk that the law did not authorize you? A. You know how people feel about that; I can tell you all about \$100 checks.

Q. This evening, that would be sufficient; we will retain these checks, and look over them at our leisure.

The Witness.— You will return them all together, won't you. Mr. Goff.— Certainly.

Cross-examination by Mr. Nicoll:

Q. I understood you to say in answer to Mr. Goff, that you paid Wardman Kelly the sum of \$50? A. Yes, sir.

Q. When? A. Well, I have got the date of the check.

Q. How? A. The check is there.

Senator O'Connor.— The time the check is dated, he says.

Mr. Goff.— July 20, 1893.

By Mr. Nicoll:

Q. Did you make that payment yourself? A. I did not, sir.

Q. Did you see it paid? A. I did not.

Q. I understood you to say that at a prior date the check for the sum of \$100 was paid to Captain Stevenson? A. Yes, sir.

Q. Did you pay that? A. I did not.



Q. Did you see it paid? A. No, sir; I signed the note, and signed it before it was made out.

Q. You did not pay it? A. No; not myself personally.

Q. Nor see it paid? A. No.

Q. Have you ever paid Captain Stevenson any money yourself? A. Never.

Q. Never? A. No.

Q. Or Captain Thompson any money? A. Never paid him any money.

Q. Never? A. Paid his man.

Q. Never paid him any money? A. No, sir.

Senator Bradley.—He said he paid his man.

Mr. Nicoll.—I heard that.

Senator Bradley.—I thought, perhaps, you didn't hear that.

Mr. Nicoll.—Oh, yes.

Q. You have never paid Captain Thompson any money? A. No, sir.

Q. Or Captain Stevenson any money? A. No; never any myself, personally; never.

Q. And you, yourself, did not pay any of the sums which Mr. Goff has called your attention to? A. No.

Chairman Lexow.—I suppose that is the end of the testimony to-day?

Mr. Goff.—I beg your pardon. One moment, Mr. Ryan.

Q. I forgot to ask you, is that handwriting on the body of this check that you signed, the \$100 check for Captain Stevenson, November 12, 1892 — A. He writes a great majority of the checks; I know that.

Senator Bradley.—He said this morning, it was the young man he had working for him.

Mr. Goff.—Oh, yes.

The Witness.—That I would not be positive about. Let me see another check written by him, and perhaps I can tell.

Q. Here is the stub; perhaps, you can tell from that? A. I am under the impression that that is my former bookkeeper's writing; I think so.

Q. Now, I want to ask you a question with regard to Charles Reheman; who is he? A. He is a liquor dealer.

Q. Where is his place? A. Corner of Morton street and Washington; I am on one side, and he is on the east side, right side directly opposite my place of business.

*E. J. H.*  
*1/20/11*