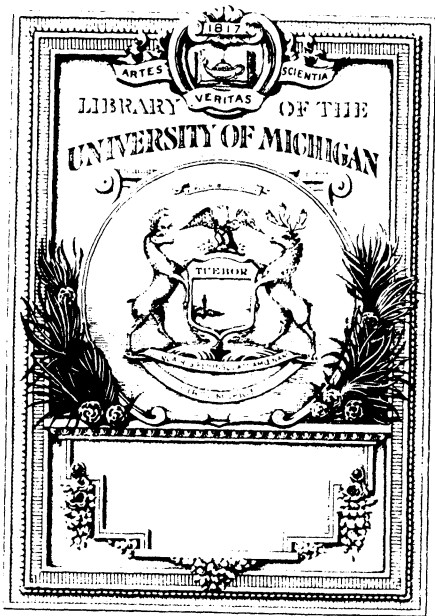


INVESTIGATION
OF THE
POLICE DEPARTMENT
OF THE
CITY OF NEW YORK.

1894.

VOL. I.

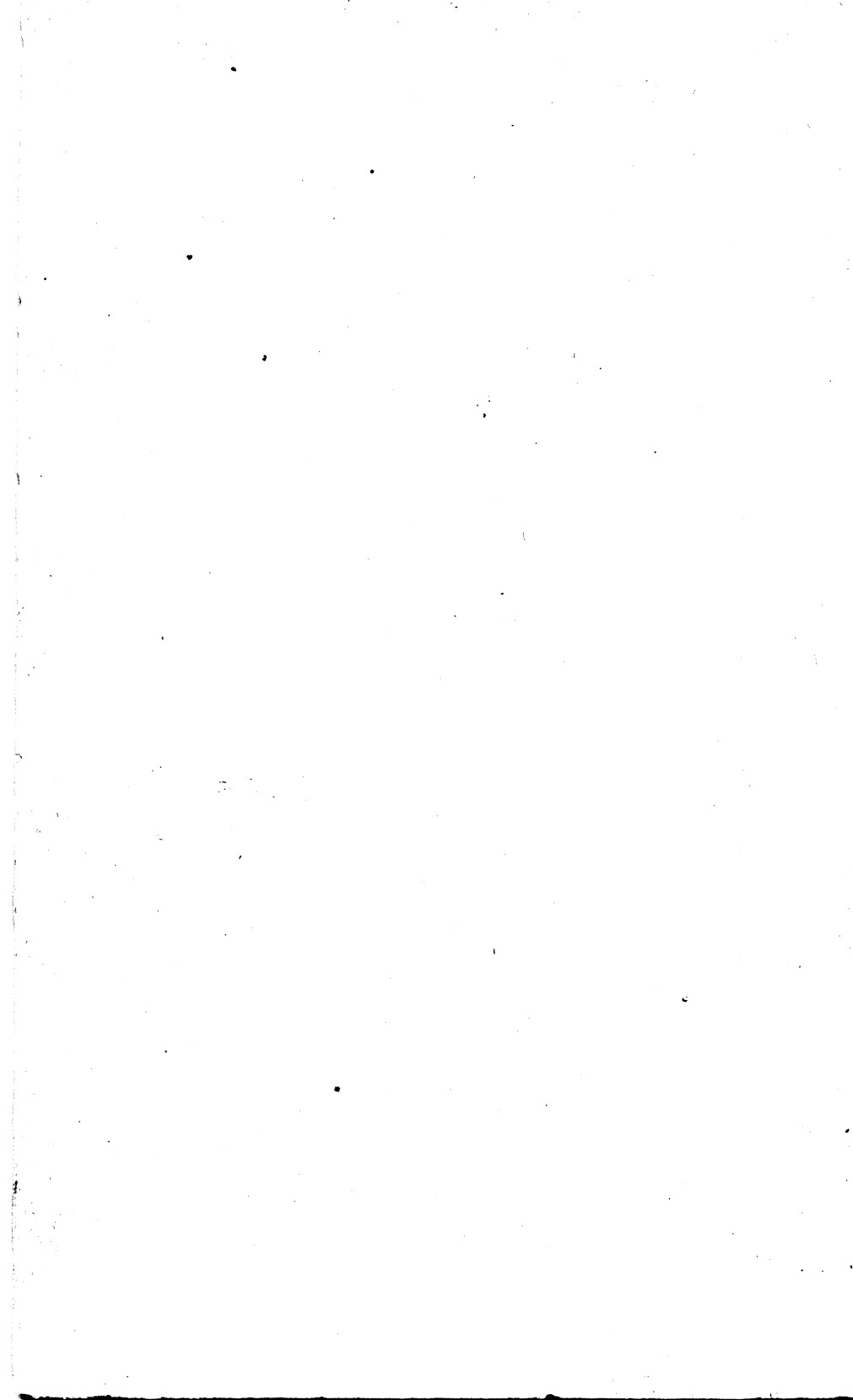
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*New York (State) Legislature. Senate. Committee
on Police Dept. of the City of New York.*

REPORT AND PROCEEDINGS

OF THE

SENATE COMMITTEE

APPOINTED TO INVESTIGATE

THE POLICE DEPARTMENT

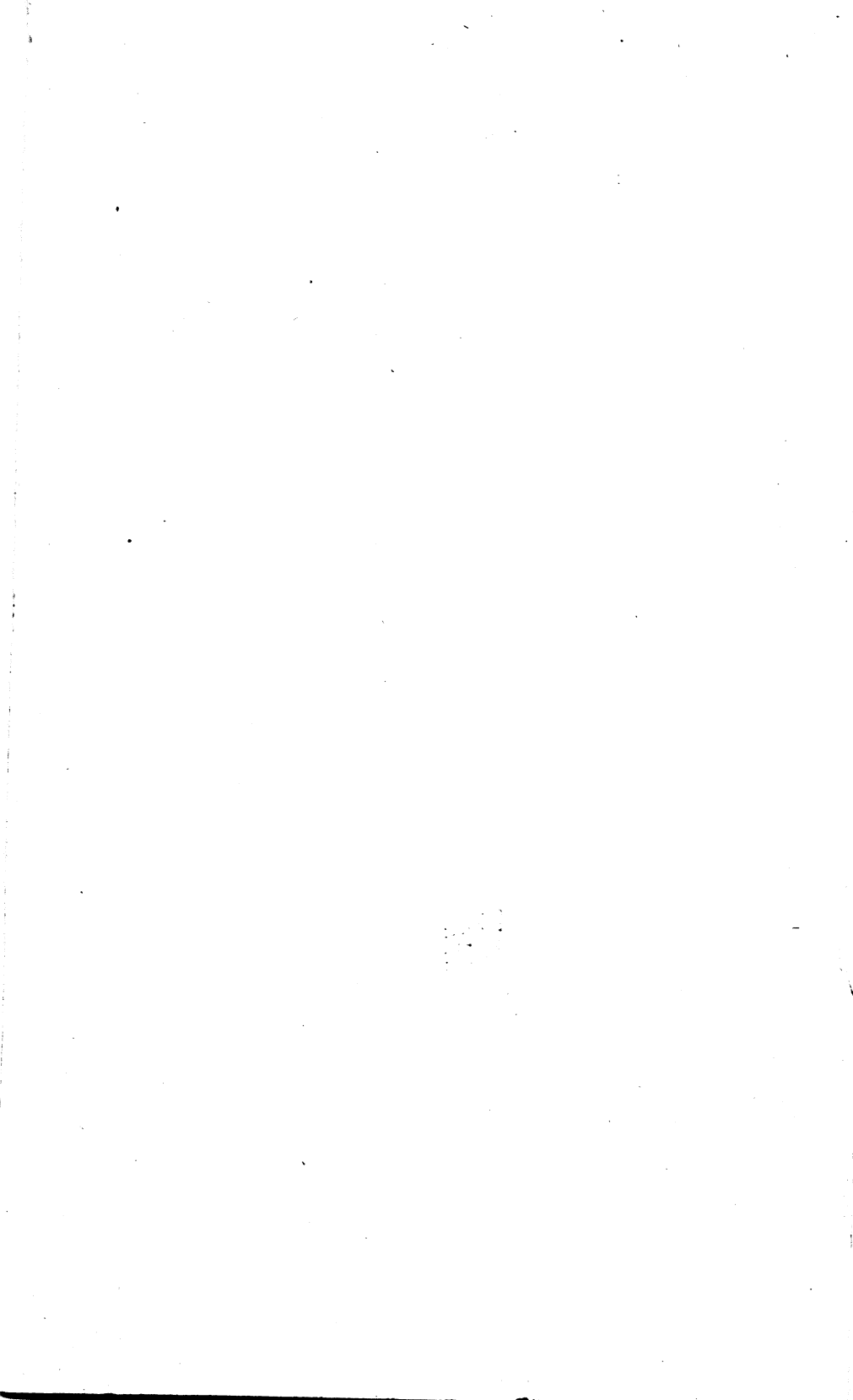
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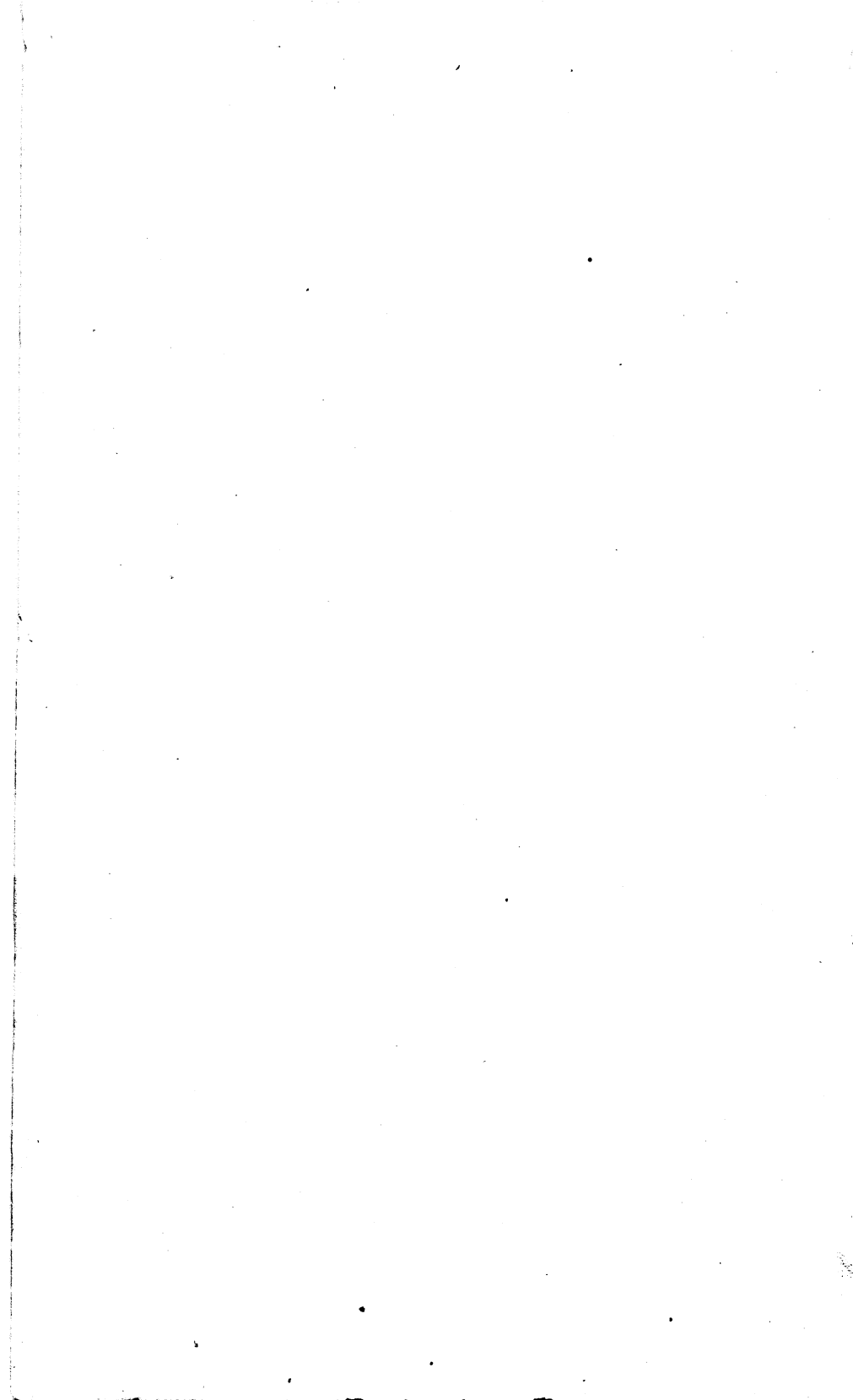
TRANSMITTED TO THE LEGISLATURE JANUARY 18, 1895.

ALBANY:
JAMES B. LYON, STATE PRINTER.
1895.



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

Proceedings from March 9 to June 5, 1894.



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STATE OF NEW YORK

No. 63.

IN SENATE,

JANUARY 18, 1895.

REPORT

OF THE

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

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

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

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

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

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

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

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

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

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

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

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

First Resolution.

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

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

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

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

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

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

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

Final Amendatory Resolution.

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

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

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

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

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

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

Appropriation Bill to Defray Counsel Fees and Expenses of Committee.

IN SENATE — No. 669.

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

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

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

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

§ 3. This act shall take effect immediately.

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

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

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *May 18, 1894.* }

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BOSWELL P. FLOWER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Second Branch of the Investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brutality.

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

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

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

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

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

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

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

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

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

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

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

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

Blackmail.

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

Disorderly Houses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gambling.

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

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

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

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

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

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

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

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

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

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

Green Goods.

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

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

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

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

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

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

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

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

Violation of the Excise Laws.

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

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

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

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

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

Detectives, Pawnbrokers and Thieves.

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

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

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

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

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

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

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

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

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

Abortionists.

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

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

Other Crimes.

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

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

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

Legitimate Business

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

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

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

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

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

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

Oppression.

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

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

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

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

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

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

Confessions of Officers.

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

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

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

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

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

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

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

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

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

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

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

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

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

Purchase of Appointments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Demoralization of the Force.

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

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

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

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

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

Interference of Politicians.

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

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

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

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

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

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

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

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

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

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

Pensions.

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

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

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

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

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

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

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

Finances.

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

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

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

Police Commissioners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Continuance of the Investigation.

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

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

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

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

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

In Conclusion.

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

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

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

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

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

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

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

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

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

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

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

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

Dated ALBANY, *January 16, 1895.*

CLARENCE LEXOW,
Chairman.
EDMUND O'CONNOR.
GEORGE ROBERTSON.
CUTHBERT W. POUND.

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

DANIEL BRADLEY.

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

JACOB A. CANTOR.

MINORITY REPORT.

To the Senate:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As to the Remedies.

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

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

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

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

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

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

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

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

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

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

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

Conclusion.

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

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

Respectfully submitted.

JACOB A. CANTOR

PROCEEDINGS

OF THE

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

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

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

Delancey Nicoll, of counsel for the police board.

The Chairman.—Is this counsel ready to proceed?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By Mr. Sutherland:

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

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

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

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

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

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

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

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

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

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

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

By Mr. Nicoll:

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

By Mr. Sutherland:

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

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

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

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

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

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

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

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

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

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

By Mr. Lexow:

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

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

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

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

By Mr. Lexow:

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

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

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

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

By Mr. Sutherland:

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

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

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

By Mr. Nicoll:

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

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

By Mr. Sutherland:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By Mr. Bradley:

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

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

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

By Mr. Lexow:

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

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

Mr. Lexow.—No; you can go on.

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

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

Q. What organization? A. The Republican organization.

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

Q. Which one? A. The regular organization.

Q. Which is that?

By Mr. Sutherland: Is there any other?

Witness.—I don't know that there is.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By Mr. Cantor:

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

Q. Federal officeholder? A. Yes, sir.

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

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

By Mr. Nicoll:

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

By Mr. Lexow:

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

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

By Mr. Nicoll:

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

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

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

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

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

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

By Mr. Cantor:

Q. But you were still watching the count?

By Mr. Sutherland:

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

By Mr. O'Connor:

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

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

By Mr. Bradley:

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

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

By Mr. Sutherland:

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

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

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

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

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

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

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

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

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

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

By Mr. O'Connor:

Q. What is this district you speak of, in November, 1891?

A. It was then the Fourteenth Assembly district and thirty-third election district.

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

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

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

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

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

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

Q. How many officers? A. One.

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

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

By Mr. Nicoll:

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

Q. What is your business? A. Machinist.

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

Q. Connected with the Milholland organization?

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

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

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

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

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

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

Mr. Lexow.—I have so ruled.

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

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

Mr. Cantor.—The committee is not unanimous.

Mr. Lexow.—I exclude the question.

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

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

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

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

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

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

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

By Mr. Nicoll:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. And he has resided and voted from that place for how long?

A. He has resided there for the past three years, voted there during the year 1891 and 1892, registered during the year 1893, but was not permitted to vote through an arrest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. What offense did he say the man had committed that was not bailable? A. He knew there was a warrant for his arrest placed in his hands by the police officer; the police officer done his duty when the man was there.

Q. What offense did he say the man had committed that was not bailable? A. That he voted illegally, or at least registered unlawfully from the house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. Receiving ballots? A. Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By Mr. O'Connor:

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

By Mr. Nicoll:

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

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

By Mr. Sutherland:

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

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

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

Mr. Nicoll.—Let him state facts.

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

Mr. Nicoll.—Did you see this?

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

By Mr. Cantor:

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

By Mr. Sutherland:

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

By Mr. Cantor:

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

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

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

By Mr. Sutherland:

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

By Mr. Cantor:

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

By Mr. Sutherland:

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

By Mr. Cantor:

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

Cross-examination by Mr. Nicoll:

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Cantor.—False registration is a felony.

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

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

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

By Mr. Bradley:

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

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

A. Yes, sir.

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

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

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

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

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

Q. How long did you reside in Sixteenth street, New York city? A. About a year and a half.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cross-examination by Mr. Nicoll:

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

By Mr. O'Connor:

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

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

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

By Mr. Cantor:

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

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

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

By Mr. Lexow:

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

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

By Mr. Sutherland:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cross-examination by Mr. Nicoll:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. How far was the policeman from him when he said that? A. About two feet.

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

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

Q. Was there anything else that you saw in that connection? A. No, sir.

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

By Mr. Nicoll:

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

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

By Mr. Bradley:

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

By Mr. Cantor:

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

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

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

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

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

By Mr. Sutherland:

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

By Mr. Nicoll:

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

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

By Mr. Cantor:

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

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

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

By Mr. Lexow:

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

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

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

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

Direct examination by Mr. Sutherland:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Nicoll.—One moment.

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

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

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

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

The Chairman.—Let him tell his story.

Mr. Nicoll.—Anything anybody told him?

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

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

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

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

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

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

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

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

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

By Mr. Sutherland:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"November 6, 1893.

"Supt. Byrnes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cross-examination by Mr. Nicoll:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. Suppose some of your supposed supporters changed their

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

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

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

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

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

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

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

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

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

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

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

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

Q. Always a Democrat? A. Always.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Sutherland.—If the committee please, I am extremely interested in this examination myself, and have not interposed an objection, trusting that it would not be too long, but of course if the counsel desires to go at great length in this sort of thing, I must object, in the performance of my duty to the committee—the inquiry into this man's affiliations.

Mr. Nicoll.—I think I have exhausted that.

Mr. Lexow.—On the question of bias, I think it is proper. On the question of bias it is proper to show there are two organizations in this city.

Q. Have you studied the question of police government or administration in cities? A. Well, I have studied as far as I could the method of our police.

Q. I am not speaking now of any little petty friction at the time of an election or an undue expression of sympathy on the part of a police officer; I am speaking generally of the association or the control of a police department, by political organizations; have you studied that question as to whether or not a police department should be independent of all organizations? A. Well, I don't understand your question; I have not made a special study of police matters.

Q. Well, on the question of a commission of one political faith, or a commission of divided faith? **A.** I have given some thought on the subject; yes, sir.

Q. Express your thought on that subject? **A.** I believe the politics ought to have nothing to do with police management.

Q. Well, as between a commission, all of one political faith, or a commission of divided political faith? **A.** I don't believe in any commission.

Chairman Lexow.—One moment. That is excluded. Any opinion or judgment as an expert upon a question of that kind, as a witness. We unfortunately allowed that matter to be interjected into the testimony yesterday. It was interjected before it could be prevented by the committee. I do not think an expert opinion will lead to any proper result in having this committee frame a law.

Senator Cantor.—Is that the result of the deliberation of the committee, or is it your judgment?

The Chairman.—That is my judgment.

Senator Cantor.—I deny the right of the chairman to express a judgment without conference with the committee.

Mr. Nicoll.—As I understand, the purpose of this committee is to collect information for the purpose of framing some law in relation to the government of the department. We have before us a gentleman very active in New York politics, who has been himself a legislator, and been a candidate on several occasions, has written on municipal administration and given a great deal of time and attention to the subject, has had personal experience; would it not enlighten the committee greatly to have his views?

Senator O' Connor.—It has not been ruled out.

The Chairman.—The judgment of the majority of this committee is that we want facts. We reach conclusions and form opinions ourselves upon facts. We do not want the opinion of witnesses.

Senator Cantor.—I do not understand the question is ruled out.

The Chairman.—Yes, it is.

Mr. Nicoll.—I had intended to ask permission of the chair to call certain witnesses on this very branch of the investigation. Do I understand it is a positive and final ruling on the part of the committee that they will not hear any witnesses upon the questions—to give opinions upon the question of administering the police department?

Chairman Lexow.—Mr. Nicoll, if it is competent on this proceeding to hear opinions on the part of citizens of this city, upon that question you might subpoena 1,000,000 people to be present

at this trial, and ask each one — a resident of New York city — what his judgment was on that question. What the committee wants, and I simply speak for the majority of the committee now, are the facts upon which this committee can proceed to form an opinion and suggest legislation, and not the opinions of one or other of the residents.

Mr. Nicoll.— Of course, I might call a million people, but, of course, I would not do such a thing. I would select 10 or 15 who had given much time and attention to the study of the police department. For instance, Dr. Parkhurst and Mr. Kempner, gentlemen who have devoted years to the study of this question. Certainly, their opinions would be of more value than the opinions of 900,000 who have not decided the question.

Senator Cantor.— I think it might be admitted. It can not do any harm, if the committee desire to accept their judgment it would not do any harm.

Chairman Lexow.— At this time the testimony will be excluded. If afterward, on consultation of the committee, they desire to admit it, we will admit it.

Mr. Sutherland.— Do any members of the committee desire to ask Mr. Kempner any question?

Senator O'Connor.— I want to ask a single question.

Q. I understand you went around through the district after you had received intimation that the police were engaged in this kind of work, and you made personal examination yourself to verify that information? A. I did.

Q. And any testimony you detailed here is the verification you found on personal examination? A. Certainly.

By Chairman Lexow:

Q. And you found this same condition throughout the entire district? A. The entire district; I want to say, the next morning, when I began this personal investigation, the lithographs had almost entirely disappeared from the entire district, where I had seen them for a week steadily every day; they had disappeared.

By Senator Cantor:

Q. Your attention was called to that fact? A. I saw this.

By Chairman Lexow:

Q. Did you inquire in more than the instances you have mentioned as to the reasons of their removal — any specific instances? A. Did I —

Q. Inquire? A. As to the reason of their removal?

Q. Yes. A. I suppose the police gave no reasons except that they were ordered to—

Q. The reason of the saloon-keeper or the barber, as the case might have been, for the removal of your picture? A. I have not heard of a single instance where they were removed in consequence of the change of mind of the proprietor.

Q. And how many instances have you personal knowledge that they were removed because of police interference? A. All those that I have referred to.

Q. Have you mentioned all you know of? A. All that I can recollect.

Mr. Sutherland.—If the committee please, this gentleman will need an interpreter, and Mr. Kempner can serve in that capacity if there is nobody more suitable. He does not understand German.

Chairman Lexow.—Is Mr. Kempner satisfactory to you?

Mr. Nicoll.—Certainly.

Mr. Kempner was then sworn as an interpreter, and the questions were put to him.

By Chairman Lexow:

Q. What is your name? A. William Hopf

William Hopf, called as a witness by Mr. Sutherland, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

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

Q. Where do you reside? A. Four hundred and thirty-five Sixth street.

Q. What is your business? A. I have a wine business.

Q. How long have you lived there? A. Twenty years; I have been a voter for 22 years; 20 years I resided where I now live.

Q. Do you know Otto Kempner, and for how long have you known him? A. About five years.

Q. Did you have Mr. Kempner's lithograph in your store window last fall? A. Yes, sir.

Q. How long was it posted there before election day? A. Probably eight days.

Q. Was it taken down? A. Yes, sir.

Q. Why? A. When I was told to take it away.

Q. Who told you? A. He said the captain sent me; I should do the captain a favor and put this bill away.

Q. You would do the captain a favor if you took the picture away? A. Yes.

Q. Who told you that? A. He is a small man; he is a detective.

Q. What is his name? A. I don't know.

Q. He is the ward detective? A. I never have seen him before.

Q. How long was that before election? A. I think it was — I am not sure; I think three or four days.

Q. Now, after he ordered you to take it down, what did you do? A. I put it inside on the line.

Q. On the what? A. On the line — on the rope.

Q. On a string? A. Yes, on a string.

Q. But took it away from the window? A. Yes, sir.

Q. But kept it up inside your store? A. Yes, sir.

Q. Did you have any other pictures? A. Yes, sir.

Q. Whose? A. In the store; in the window.

Q. Whose were they? A. Well, I got six; I got a double store; I got six pictures in, and I say I put Mr. Kempner away, and I say I will put this away, and I put all away; that was not right; I take all down, and he came the evening again, and he says to me, "What is the matter; what are you doing? you put the pictures all in without Kempner;" and I said, "No."

Q. He told you to put the pictures back into the window without Kempner? A. Yes, sir.

Q. And you told him you would not? A. No, he said — you say, I put it away, and I put it away.

Q. What did he tell you to do then about Kempner's picture? A. He says I should tear it, and I said, not; I say, I pay rent for the store and I got a good right, I can put the pictures in my store, but I wont, and he says, "Well, I fix you;" I said, "Well if you can do it, you do it, that is all."

Q. Who was there when this was said? A. I and my wife.

Q. Did your wife say anything to this officer, this detective? A. Yes, sir.

Q. What did she say to him? A. She said to him I paid the rent here in my room and I can put pictures in what I like.

Q. What did he say to her? A. I said the same.

Q. What did the detective say to your wife? A. Yes; he was very cross to her.

By Chairman Lexow:

Q. She was very cross, do you say? A. No; the man was very cross.

Q. He spoke roughly? A. Yes; he spoke very rough.

By Mr. Sutherland:

Q. Now what did he say to you after you told him you paid the rent and would put up the pictures if you liked? A. He said, "I will fix you for that."

Q. Did he say anything in addition to that; anything besides? A. No.

Q. He did not tell you how he would fix you, or did not say what he would do; just said: "I will fix you?" A. Yes.

Q. Are there other stores near yours? A. Yes, sir.

Q. More stores around there? A. All stores.

Q. All stores around there; did the other stores have the picture of Mr. Kempner in the window? A. They put them all away.

Q. But they had been all there, and then took them down? A. Yes, sir.

Q. Was it done the same day yours was done? A. Yes, all the same day.

Cross-examination by Mr. Nicoll:

Q. You are a friend of Mr. Kempner, are you not? A. No, sir.

Q. You are not a friend of his? A. No, sir.

Q. Do you know him? A. I know him not before.

Q. Before when? A. Before I see him this morning.

Q. Never saw him before that day? A. No.

Q. You were a supporter of his in his last election, were you not? A. No, sir.

Q. Weren't you — didn't you vote for Mr. Kempner? A. No, sir.

Q. Didn't vote for him? A. No, sir.

Q. Why then did you put his lithograph up in your window, and take it down (the witness did not appear to understand the question); why did you put it up? A. Because it is the custom; all the people do it.

Q. Where did you put it up? A. Out in the window.

Q. Why did you take it down? A. A man came and said I must put it down; what can I do; I do it.

Q. What did you care about that, whether the man told you to take it down or not? A. He said it must go away; he came twice again.

Q. It was your store, was it not? A. Yes, sir.

Q. Why did you take it down? A. Well, he said so.

Q. What difference did that make to you? A. That made me a no difference.

Q. It made no difference? A. I put other pictures in my store in the window; it make no difference; if it is a right man I put it in my window; I think he have a show at the same time as the other man.

Q. Why did you take it down if he was a right man and ought to have a show? A. The captain said it to me.

Q. What did you care about that? A. Well, sure I care about that.

Q. Where did you put it then? A. I?

Q. Yes; where did you put it? A. I hung it inside, in the store, in the room.

Q. Did it remain there until the election was over? A. Yes.

By the Chairman:

Q. You have been asked why you took the picture down; now just state in your own way what caused you to take the picture down; what feeling you had that caused you to put the picture down; were you afraid that your license would be taken away?

Senator Cantor.—That I object to; you should testify as a witness yourself.

The Witness.—No.

Q. What were you afraid of? A. He said I did the captain a favor, that is all.

Q. When he said that he would fix you what kind of a manner did he have; how did he say it? A. I don't know.

Q. Just translate for me (the interpreter translated the question)? A. He was very impudent.

By Senator Bradley:

Q. How did you know this was the ward detective; how did you come to know this man was a ward detective; had you ever seen him before? A. I did not know him; but he said so.

Q. Did he speak to you in English or German? A. He spoke to me in English.

By Mr. Nicoll:

Q. He was not in uniform, was he—this man? A. No; he was in citizen's clothes.

Q. Have you seen him since? A. Sir.

Conrad Mergler, called as a witness on behalf of the committee, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 106 Seventh street.

Q. In what election district is that? A. The second—I forget, I think about the fifth.

Q. It is the same Assembly district as Mr. Kempner's? A. Yes, sir.

Q. Were you active last fall in his behalf? A. Yes, sir.

Q. Were you the captain in that district? A. No, sir, I was in the second election district.

Q. Was Frank Kelley the Tammany captain in that same election district? A. Yes, sir.

Q. Did you see any persons whom you believed to be repeaters brought in there? A. Yes, sir.

Q. By Frank Kelley? A. Yes, sir.

Q. Did the Republican inspector ask those repeaters any questions as to their right to vote? A. Yes, sir.

Mr. Cantor.—Would it not be better to have the witness testify?

Mr. Sutherland.—Is there any objection to my putting leading questions?

Chairman Lexow.—You can put leading questions up to a certain point and then it would be better not to do so.

Mr. Nicoll.—It is a very bad habit for a lawyer; it gets him in too loose ways.

Mr. Sutherland.—I am obliged to you for the criticism. I am aware that I am from the country, but I will get out the facts just the same.

Q. You say that the Republican inspectors did put questions to those men as to their qualifications? A. Yes, sir.

Q. Well, what occurred? A. About 2 o'clock in the afternoon one of the Democratic inspectors said, "Frank, Mr. Kempner is getting the best of you here;" and so Mr. Kelley stood there for a second or two, and commenced to curse.

Q. He commenced to swear? A. Yes, sir; to swear and curse, and he ran out, and it was not 10 minutes until he came in again, and I called the Republican inspector's attention, and I said, "Look out, or there will be some crooked business going on;" and I told them what to do; and he done what I told him to do, to ask those people those questions; the same as they do when they register.

Q. When Kelley came in, he brought the voters in there with him? A. Yes, sir; one at a time.

Q. What questions did the inspector ask them? A. The same as when they go to register; how long have you lived in the district and how long in the county, and they could not answer the questions; so they stood there for a while, and, says I, "Swear the man in, if he wants to vote;" and he looked at me, and he says, "No, I wont vote," and so Frank Kelley called him out.

Q. What did Kelley say to him when he called him out? **A.** He took him outside, but I could not say what he told him.

Q. What did he say when he called him out? **A.** He said, "I will fix you; just come out."

Q. He told him that he would "fix him," and took him outside? **A.** Yes, sir; and in five or six minutes he brought another one in, in the same way, and done the same thing, and that is the way he brought in six different men, and I called the policeman's attention and I told him, "That has got to be stopped;" I said, "If you don't stop it, I will report it;" so he interfered with Frank Kelly, and he told him, "Frank, you have got to stop that," and so a friend of his commenced to curse and swear, and said, "You have nothing to say to me; I know my business;" I was told by Mr. Commissioner Martin what to do before this, the day before election he told me what to do on election day;" and through that the thing was dropped; he could not go further when the policeman interfered.

Q. When he told this policeman that he was acting under instructions from Commissioner Martin, did the policeman say anything more after that? **A.** No, sir; he stopped him; he would not let him go any further.

Q. Have you knowledge in regard to these lithographs being posted in the windows of the various places? **A.** Yes, sir.

Q. How many of them did you see? **A.** I saw them in every window around the stores there.

Q. Where is your store? **A.** I have no store.

Q. Around what stores do you mean? **A.** I went around the district what I have charge of, every night, to see about things.

Q. In the district in which you were captain? **A.** Yes, sir.

Q. And these pictures were placed in nearly every store, were they? **A.** Yes, sir.

Q. Up to a given time, when they were taken down? **A.** Yes, sir; one evening when I got there, they were gone.

Q. What evening was that? **A.** About three or four nights—I went around—and people came around to headquarters and made complaints and told me that these things were going on.

Q. What did they say to you? **A.** That the pictures were taken down of Mr. Kempner then I went around and found out that they were taken down, and we ordered some more to be taken down; and that thing happened three or four different times.

Q. What did these people say was the reason that they were taken down? **A.** That they were forced by the police or by the captain.

Q. That was the excuse that they gave to you? A. Yes, sir.

Q. And you reported that to Mr. Kempner? A. Yes, sir.

Cross-examination by Mr. Nicoll:

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

Q. Where do you work now? A. Thirty-third street, between Second and Third avenues.

Q. Are you a member of Mr. Kempner's Democracy? A. Yes, sir.

Q. You were one of his strongest supporters during the last election? A. I was in favor of Mr. Kempner; yes.

Q. You were one of his captain's were you not? A. Yes, sir; I was.

Q. And you did all that you could do to elect him? A. Yes, sir; I certainly did.

Q. And you were pretty sore when he was not elected, were you not? A. I was sore, the same as everybody else would be; I suppose you would be sore if you were defeated.

Q. Now, none of those persons voted, that you speak of, who came in with Frank Kelley, did they? A. I would not let them vote.

Q. Well, they did not? A. No, sir.

Q. Did you stop them? A. I did; I challenged the votes, without they would swear their vote in.

Q. They did not swear it in? A. No, sir.

Q. And you complained to the police officer? A. Yes, sir.

Q. And the policeman told Kelley to quit, did he not? A. Yes, sir.

Q. And he quit, didn't he? A. He did afterward; after he found he could not go any further; one of the workers—he said to me, "Is that the first time you have seen this thing going like that; I have been in this district for years, and seen it," and I said, "Yes; I thought I always had gentlemen in front of me," and he said, "We have been doing that for years already."

Mr. Nicoll.—I move to strike that from the record.

The Witness.—That is the way the things are carried on here.

Chairman Lexow.—The motion to strike out will be granted.

By Chairman Lexow:

Q. Did these storekeepers tell you why they removed the pictures of Mr. Kempner from their windows? A. They were forced by some people.

Q. Was that what they said? A. By the captain and police.

Q. Did they say by whom? A. By the captain of police, they said.

Q. Did they tell you that in every instance? A. I was only in three or four stores and the people told me that each time.

Q. Where you did inquire the answer was the same, was it? A. Yes, sir.

Q. That it was by order of the captain and the police? A. Yes, sir.

By Mr. Cantor:

Q. Did you talk with Mr. Kempner about the testimony that you were going to give to-day? A. No, sir.

Q. Where did you get that paper that was handed to Mr. Sutherland, the counsel? A. I have had an intention to come here myself, without anybody calling me; I wanted to see what was going on and I happened to meet Mr. Kempner on the street, and told him he was coming down here and I told him about it.

Q. And you told him what you were going to testify to here? A. I didn't know whether I would be called as a witness or not.

Q. You told him what you were going to testify to, did you not? A. I did not; I asked him whether he wanted me down here; he knew about this before I told him; he knew everything about it before that.

By Mr. Bradley:

Q. Did you ever make an affidavit of those facts? A. I was before the grand jury and testified as to these facts.

Q. Did the grand jury indict these men? A. Not so far as I know; not in that district.

Q. Did you say that those six men that Kelley brought in, that none of them cast a vote? A. No, sir; they could not; I would not allow it.

Q. The policeman performed his duty then? A. Yes, sir.

Q. He did not allow them to vote, did he?

Mr. Cantor.—I object to any such question whether the policeman performed his duty, that is a question of law.

A. I think it was Mr. Martin told the Democratic captain of that district that was the main thing.

Mr. Nicoll.—Is not that rather unfair, to have him testify as to what Mr. Kelley got from Commissioner Martin; I move to strike that out.

Mr. Lexow.—Let that be stricken out.

Mr. Sutherland.—Shall I call Mr. Kempner or will the committee accept my statement that the paper which Mr. Kempner handed to me was a portion of the regular report made to this association sometime ago with regard to these various outrages. It is simply a sheet referring to what this witness knew.

Chairman Lexow.—We will take your statement in regard to that.

Charles H. P. Collis, called as a witness for the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your name? A. Charles H. P. Collis.

Q. Where do you reside, General? A. One thousand and fifty-five Fifth avenue.

Q. And have resided there how long? A. Six years.

Q. You have been a resident of New York how long? A. Ten years.

Q. You have taken an active interest in public affairs ever since you have been here, have you not? A. Yes, sir.

Q. And have taken the pains to make personal investigation of what goes on upon election day in New York? A. Yes, sir.

Q. For how many years have you done that? A. Only once.

Q. What year was that? A. Eighteen hundred and ninety-three; no, 1892.

Q. Where did you go that year to observe things? A. I was appointed a watcher for the twenty-second district of the Second Assembly district.

Q. Where is that? A. Sixty-eight Oliver street.

Q. Where is it, geographically, in the city? A. It is between Chatham Square Elevated station and Brooklyn bridge.

Q. Tell the committee all that you saw and heard while you were discharging your duty as a watcher in that election district? A. I arrived there about a quarter before 6 o'clock in the morning; it was raining very hard, and of course it was very dark; there were two or three men in the room, the polling apparatus, the arrangements for the election were not complete; I took a vacant seat and there was a policeman in the room and one or two people who were going to conduct the election and the policemen did not interfere with me at all, until the person who dominated the polls during the whole day took him by the lapel of the coat to the rear end of the room and had a whispered conversation with him, and then the policeman asked me who I was.

Q. What time in the day was this? A. Ten minutes before 6 o'clock; he asked me what I was doing there and I said that I was a watcher; he said, "What kind of a watcher;" I replied, "A Republican watcher," and then he was called aside again and there was further conversation.

Q. Between him and the same party as before? A. Yes, sir; the same.

Q. Do you know the name of that other party? **A.** A man, a young man by the name of Olcott, I think, about 30 years of age; after the second whispered conversation, he said, "You have no right here until 4 o'clock; you come back at 4 o'clock and we will let you in;" I said, "I am not a canvasser's watcher; I am a watcher appointed by the Republican organization, and I have a right to be here, and I propose to stay;" then they said, the same man and others, "If you don't put him out, by God, we will put him out;" then he followed me toward the door, I receded as he advanced, and I said, "I will, at all events, read you my commission, my warrant for being here;" he said he didn't want to hear it; I said, "I will read it; the law requires that I shall be here before the polls are opened, to see that the ballot-boxes are all right, and I propose to stay in this room and perform my duty;" after consultation with the other people in the room, he said he would put me out if I didn't go; by that time there was quite a mob, and I realized that if I remained he would take me to the station-house and lock me up or these men would club me; I got out on the pavement, intending to make another effort to go in; when the men who had assembled on the pavement, eight or ten of them, told me to "get out," and step lively; they followed me, and I went up to Chatham Square station and went from there on the Elevated to Houston street, to the police headquarters.

Q. Who did you find there at police headquarters? **A.** I found Inspector Byrnes, and after hearing my story, he promptly sent for Inspector Williams, and he came in and he told Inspector Williams to take me in his (Byrnes') coupe, back to Oliver street, and see that I was permitted to perform the duty required of me; I got back there a little before 7 o'clock, a quarter before 7, perhaps, and Inspector Williams entered and I followed him, and he said to the board of inspection officers, the election officers, "Why don't you permit this gentleman to perform the duty that he is required to perform;" or some such expression; he addressed the police officer particularly, and said, "Why don't you protect this man;" and the officer said that he had not interfered with me at all; he said he simply asked me to step outside on the curbstone, until they had arranged the ballot-boxes, and then I could come back; whereupon the entire election board corroborated him, and he said that was all that had transpired; Inspector Williams said, "You are all lying, and you know you are lying; I know this gentleman, and I know you, and I want you to see that he remains in this polling place; I will be back here during the day several times, and he must not be interfered with;" after that the police officer was as mild as pie.

Q. And you remained there the rest of the day? A. Yes, sir; I remained there the rest of the day; that is all that I know about the police officer.

Q. State whatever you saw going on there, which, as you understood, was in violation of the law, and which the police officer saw? A. Well, the police officer saw 41 able-bodied men have helpers to go into the booths and make up their tickets for them.

Q. Was there anything else that you saw? A. I challenged a good many of them, and my challenge was not regarded at all; the inspector said that if a man swore he needed help, that he was not physically able to fold his ballot, he had no alternative, and he had to give him a helper; I told him that was not the law; I read him the statute, and told him what the causes of physical inability were, as enumerated in the statute, and he said that he had his instructions.

Q. Did he say where from? A. No; he did not say where from, but he was going to take the chance, and that was the way, he was going to conduct the election.

Q. You described those 41 men as able-bodied; in what respect were they able-bodied? A. They had good eyesight, and the use of their hands; the only man who was crooked at all was a lame man, and he walked with a stick.

Q. He did not require the stick in order to stand, did he, but only to walk? A. That is all; while Inspector Williams was there, they were taking the vote of a man and the oath was administered to him—"You are physically unable to fold your ballot and require a helper?" "I do;" and I said, "Inspector Williams, look at that;" Inspector Williams says, "You don't call that man a cripple, do you, or unable to fold his ballot?" "Well, he swears so," said the inspector, and Inspector Williams said, "Well, if I was the inspector I would not let him have a helper;" "Well," said the inspector, "you are not inspector; that is my business, and you mind yours."

Q. Tell anything else that you saw of an illegal character, which was also witnessed by the police. A. I saw men brought here in groups, and furnished with names taken from the registry lists.

Q. Men voted under names which were not theirs? A. I can not go that far.

Q. Describe what you did see? A. I saw a man who sat at my side, ticking off the list and those names that were not ticked, he would take three or four of them, men who had not voted and hand them to an active worker, I supposed for the purpose of having those people hunted up, and brought to the polls, which

would be legitimate, but I saw this man take them out in the street, and hand them to the people there.

Q. Hand those names to the people? A. Yes, sir.

Q. Then what occurred? A. Then after a while a man would come in and walk up to the polls—

Q. And would he call off one of those names? A. Yes, sir; in fact one man had forgotten his name and turned to the man who brought him in and said, "What is that," and he told him, "John Kelly" or whatever the name was.

Q. Where was the policeman when all this took place? A. With his back to the wall opposite them.

Q. How far from the man who inquired as to the name? A. Within arm's reach.

Q. And the man who brought in this voter told him the name? A. Yes, sir, and then he went from the desk at which the tickets were, up to the chairman of the board and he said, "I need a helper;" then this stereotyped oath was administered to him, and this same man Olcott, or his brother, took the man into the booth.

Q. There was one man who performed that service? A. Two men; but one man performed probably 75 per cent. of the work.

Q. And this man could not tell his name at first, the man who had the use of his eyes? A. No, sir; he had perfect use of his eyes.

Q. And had he the use of his hands? A. Yes, sir; perfectly.

Q. Tell the committee anything else that you saw in violation of law which was also seen by this police officer. A. I went to a polling place in Oxford street in the forenoon, which was around the corner from where I was, to see how the watcher was getting along there; whether he was having any trouble, and I saw the identical man who had voted in my election district hanging around the polls there; I did not see him vote, however.

Q. What, if anything, did you see at Oxford street? A. The same kind of thing going on and our watcher perfectly helpless.

Q. And men swearing to their inability to fold the ballots? A. I did not stay long enough for that; I went in order to see if he had any trouble.

Q. Did you visit any other polling place? A. No, sir.

Q. Is there any other circumstance that occurs to your recollection, that you have not already given? A. The Democratic supervisor, when I made my first challenge, said that I would have to be sworn.

Q. That you would have to be sworn? A. Yes, sir; and he said that unless I positively said that I knew that these men did not reside where they said they did, it would not do; I called his

attention to the fact that the informer's name ought not to be divulged; that did not make any difference, he said, and he said, "If he challenges anybody, you swear him, and if he don't, you have got to take the vote."

Q. Who said that? A. This Democratic supervisor, when I challenged a voter, said to the inspector, "You must swear Mr. Collis," and unless I was sworn and that I knew positively that these men did not reside at the place represented that they had to take the vote.

Q. You did not have the pleasure of the personal acquaintance of those repeaters? A. No, sir.

Q. Do you think of anything else? A. I ought to say that I went before the grand jury and had the whole election board indicted.

Q. Did you observe whether or not during the day this police officer offered any advice to these inspectors or workers? A. No, sir; he did not interfere at all; the only interference was when he was acting under the instruction of the people inside.

Cross-examination by Mr. Nicoll:

Q. You made no complaint against Inspector Byrnes or Williams? A. No, sir; nor the police officer, excepting that he was dominated by the people inside; they gave him his instructions.

Q. And was inactive in his duties where he should have been active? A. He was active enough against me; I do not think he would have disturbed me if he had been left alone.

By Mr. Cantor:

Q. You say you had the board indicted? A. Yes, sir.

Q. How long ago was that? A. Just a year; they were indicted a month after the election; that must have been in December; there were two bills found against all of them.

By Mr. Sutherland:

Q. Who was then the district attorney?

Mr. Nicoll.—I was the district attorney.

By Mr. Cantor: Q. Do you know whether they were ever brought to trial? A. They have not; they could not very well be tried without my evidence.

Thomas F. Harrington, called as a witness on behalf of the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Southerland:

Q. Where do you reside? A. No. 65 Cherry street.

Q. How long have you lived there? A. Three years.

Q. Were you, in any of the recent elections, an official? A. Yes, sir; I was Republican watcher in the campaign of 1891.

Q. In that same election district? A. Yes, sir.

Q. And as such you had charge of looking after the registration list, as well as the election? A. Yes, sir.

Q. Did you observe anything on Saturday, the 29th day of October, the last day of registry? A. Yes, sir.

Q. What was it? A. A man came in and offered to register from a vacant lot, No. 358 Water street.

Q. You knew it was a vacant lot? A. Yes, sir.

Q. What did you do? A. I challenged his right to register.

Q. Did you state the grounds of your challenge? A. They wanted to know on what grounds, and I said on the ground that the man does not live at the place where he offered to register from, and they went to look, and while they were doing that the man was ejected from the place by a man named Henry Clark.

Q. Who was Henry Clark? A. He kept a place at 359 and 361 Water street; it was then a house of prostitution.

Q. That was across the way from 358 Water street? A. Yes, sir.

Q. He rushed in toward the door, did he? A. Yes, sir.

Q. Did he say anything then? A. I called to the officer to arrest that man for attempting to register illegally.

Q. What did he say? A. He said, "What can I do?"

Q. Where was this man Clark standing or sitting while you were interposing this challenge? A. He stood close to the door on the right of the officer.

Q. He stood next to the officer? A. Yes, sir.

Q. And he left the officer and went up to this man? A. He left the officer and went to the table where the board of registry was sitting.

Q. How far away was that — further than that rail? A. No, sir; not as far as that, probably eight feet.

Q. So then he and the officer heard these questions that were asked him? A. Yes, sir.

Q. And this man, Clark, got up from the side of the officer and went over to the man and rushed him out of the door? A. Yes, sir.

Q. And while he was doing this you called on him to arrest him? A. When he was going out I said, "I want you to arrest that man;" and he said, "What can I do?"

Q. Did you follow the man out? A. Yes, sir.

Q. What happened then? A. I followed the man three blocks, and when I was going across James slip I saw an officer on the opposite side, and I called upon him to rap for that man, and he

struck the sidewalk once, and the man turned into Water street and ran up to Oliver street, and then to Cherry street, to 110, which was one door from Catherine street, and there I overtook him, and the officer came up, and took him to the station-house; the sergeant asked me as to what the charge was; I told him he had attempted to register illegally, and he said, "Why didn't you wait until he had registered;" I said, "I would have had to wait a long while, for I had to chase him three blocks."

Q. What had this man, Clark, been doing before this? A. He was doing this at every election; sending repeaters.

Q. He had been bringing people in that way before? A. Yes, sir.

Q. All during the day up to the time of the occurrence? A. Yes, sir.

Q. Were you at the polling place on election day in your official capacity? A. Yes, sir.

Q. That was when? A. During the campaign of 1891.

Mr. Nicoll.—How far back does the committee propose to take testimony?

Mr. Sutherland.—This is going back to 1891, at the present time, with this witness.

Mr. Nicoll.—How far back will the committee go; is there any limit fixed?

Chairman Lexow.—Probably not back of 1891.

Q. Who was the Republican candidate for Senator in 1891? A. Mr. Marx; I saw a coach coming up in front of the polling place, and a young man came in and asked for the Republican captain, and I went out and saw Mr. Marx in his booth, and he asked me how things were going on, and I told him this was no place for him, and everything would be all right.

Q. Did anything happen to this young man that came in? A. Yes, sir; he was pulled and dragged around there in the presence of the officers, who was attending the election that day.

Q. Did they afford him any protection? A. No, sir.

Q. The young man came in and asked for the Republican captain? A. Yes, sir.

Q. He did not call you by name? A. No, sir.

Q. He told you that Mr. Marx had sent in for you? A. No; he didn't say that.

Q. He said that the Republican captain was wanted outside? A. Yes, sir.

Q. How soon after that was it before they pitched into this young man? A. They had hold of him before I got out; and when I got out I said, "What are you doing with this man; why don't you leave him alone;" and I went to the coach and saw Mr.

Marx, and told him everything was going all right; I told him to return to the polling place at a certain time, and I saw a man on the curb by the name of Whitty, and he grabbed me by the coat.

Q. Is Whitty an ex-convict? A. Yes, sir.

Q. Well, what did he do to you? A. He grabbed me by the coat, and I told him that I did not desire to have any trouble, that being election day; that I was always to be found around the district, and there was 364 other days, and if he had any grievance that he wanted to settle, I would settle with him; he would not release the hold of my coat, and I looked down, and I saw that he was carrying weapons, a club and a revolver, and I thought to myself, I guess they mean to inflict punishment on me, and I will try to get out the best way possible, and I argued with him and told him I didn't wish to have any trouble, and if he desired to settle any trouble with me he could do so on any other day; that I never had caused any blood to be spilled on election day, and did not choose to do so then, but he would not release my coat, and I grabbed him by the throat with my left hand, and went to strike him with my right, when the two officers rushed out—

Q. Where were the two officers? A. One was standing on the poll door, and one was outside.

Q. How far away from you? A. Probably 12 feet.

Q. Where they could see all this proceeding? A. Yes, sir; and one officer grabbed me by the coat and raised his club to strike me, and I told him if he struck me I would kill him where he stood, and a friend of mine came forward to help me, and the other officer rushed out and grabbed him and up with his stick to strike him; they didn't take hold of this Whitty at all; it was me and my friend they took hold of.

Q. You had been challenging repeaters and unlawful registration before that? A. Yes, sir; from the first day of registration.

Q. Down to that time? A. Yes, sir.

Q. What time in the day was it that this took place, when Mr. Marx came there? A. About half-past 10 or 11 o'clock.

Q. And these policemen made no move to protect you in any wise in this assault, until you began to defend yourself? A. No, sir.

Q. And then they laid hold of you and your friend? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. I am employed in the United States public stores as a messenger.

Q. In the United States public stores? A. Yes, sir.

Q. Where? A. At the corner of Washington and Watt street, 402 and 410 Washington street.

Q. When did you get your appointment? A. In 1891—no September 23, 1890.

Q. You are a Republican office-holder, are you? A. Yes, sir.

Q. They are very rare; what was your business prior to being in the public stores? A. I worked for a gentleman by the name of John Marsh, 165 Maiden Lane, in the fruit business.

Q. Where did you live then? A. I lived in the same place.

Q. When did you first tell the story that you have told here to-day? A. I have told it long ago.

Q. When? A. Lots of times before; four or five weeks ago and I told it to the county committee in 1891.

Q. When did you tell it to Mr. Sutherland? A. I have not told it to Mr. Sutherland.

Mr. Sutherland.—Not until he told it to me on the stand.

Q. When did you tell it last, before you told it on the stand? A. Last evening.

By Mr. Sutherland:

Q. You told it to the gentleman sitting to my right? A. Yes, sir.

By Mr. Nicoll:

Q. The associate of Judge Sutherland? A. I don't know in what capacity he is connected with him.

Q. Where did you tell it to Mr. Gracie? A. At 1122 Broadway.

Q. What is that? A. The headquarters of the Republican association.

Q. What association? A. The Republican County Association.

Q. The regular Republican organization of this county? A. That is the only one that is regular now, that I know of.

Q. The only Republican organization of the county? A. Yes, sir.

Q. How did you come to go to the regular Republican organization of this county last night? A. I was up there oftentimes every night, since last November.

Q. You go there every night? A. Well, not every night; I have been there five nights in a week.

Q. Are you in the habit of going there almost every night? A. No, sir; in six weeks I have not been there every night.

Q. Did you just happen to drop in last night? A. I went up there yesterday afternoon.

Q. Were you in the courtroom yesterday? A. Yes, sir.

Q. Did you go there to meet Mr. Gracie yesterday afternoon?

A. No, sir.

Q. Who did you meet there? A. Mr. Millholland.

Q. Mr. Millholland had sent for you, had he not?

Chairman Lexow.—How is this material?

Mr. Nicoll.—I want to show how this testimony came about. Here is a man who comes here in 1894, and tells us now of something that happened in 1892, two and a half years ago; I want to know how it came about.

Mr. Sutherland.—I object to that.

Mr. Nicoll.—You object to what; how you found out?

Chairman Lexow.—As affecting the credibility of the witness.

Mr. Sutherland.—If the counsel has any objections as to the credibility of the witness, I will withdraw the objection, but if it is simply to find out as to the party faction—Mr.—

Mr. Nicoll.—I want simply to show the witness' relation in the whole matter.

Mr. Lexow.—Yes, you have that right.

Q. Have you ever been arrested? A. Yes, sir.

Q. When was the first time? A. The last time was in 1877.

Q. When was the time before that? A. I might have been arrested for standing around on the corners.

Q. When was the first time that you were arrested? A. When I was a boy standing around on the street.

Q. You were arrested for standing around on the street? A. Yes, sir.

Q. What was the result on the first charge? A. The charge that I referred to in 1877, I was tried and acquitted.

Q. What was the charge?

Mr. Sutherland.—I object to the question.

Mr. Nicoll.—Why do you object?

Mr. Sutherland.—Because I do object.

Mr. O'Connor.—I object; it makes no difference, if the man was acquitted.

Mr. Sutherland.—When a man stands acquitted by the jury, he can not be questioned as to the charge brought against him.

Mr. Nicoll.—We are not governed here by the rules of evidence.

Mr. Sutherland.—Is that why you press the question?

Mr. Nicoll.—If you want the rules relaxed, relax them now.

Mr. Sutherland.—This witness has been acquitted of the charge on which he was arrested, and I object to the question as to the character of the charge.

Chairman Lexow.—The objection is sustained.

Q. When was the first time that you were arrested?

(Objected to.)

Mr. Cantor.—Do I understand that the question as to the character of the charge is ruled out?

Chairman Lexow.—Yes.

Q. What was the disposition of the case when you were arrested the first time?

Chairman Lexow.—That objection is also sustained.

Mr. O'Connor.—You may show that this man has been convicted, if you can.

Mr. Nicoll.—I am going to ask him if he was not fined or imprisoned?

The Witness.—Never.

Q. You were never fined or imprisoned? A. No, sir.

Q. How many times have you been apprehended by the police? (Objected to.)

Mr. Nicoll.—Here is a man who is testifying to certain things and—

Chairman Lexow.—If he has been convicted of crime, you can prove it.

Mr. Nicoll.—I want to show the bias of the witness. I want to show that he has been apprehended by the police. That is the ground on which I put the question; he comes here and makes charges against the police; I propose to show a bias against the police because of arrests by the police.

Mr. Sutherland.—Was he arrested by this policeman?

Mr. Nicoll.—He has a grievance, generally, against the police.

Mr. Sutherland.—If the counsel propose to show that the witness was arrested by the policeman who was on duty at this election day, I will not object; but if it is some other policeman, I do object.

Chairman Lexow.—The same ruling is made, and the objection is sustained, unless counsel intends to show that this arrest or persecution of the witness was by the same policeman against whom he has testified.

Q. Where were you tried?

(Objected to; objection sustained.)

Q. Prior to your occupation in the fruit business, what were you engaged in? A. I had a pair of horses and a truck; I was a truckman.

Q. What trucking were you doing? A. Riding fruits from the auction of Brown & Syckle.

Q. How long were you engaged in that? A. About four years.

Q. Before that what were you doing? A. I worked for the United States Stamping Company, in the capacity of a shipping clerk.

Q. How long did you stay with them? A. Probably two years.

Mr. Nicoll.—That is all.

Mr. Sutherland.—Are there any questions by the committee?

By Mr. Bradley:

Q. You say that the policeman come out when this man caught hold of you, and that you went to strike him? A. Yes, sir.

Q. Did the policeman take you or the other man to the station-house? A. He took me.

Q. He let the other go, did he? A. Yes, sir.

Q. He merely separated you, quelled the disturbance? A. He caught hold of me and raised his club.

By Mr. Sutherland:

Q. Raised his club upon you or on the other man? A. On me.

Q. I understood you to say that the policeman was looking at the disturbance all the while? A. Yes, sir.

By Mr. Cantor:

Q. You were the one who struck the blow, were you? A. No, sir; there was no blow struck, only when he grabbed me; I stepped off the curb and—

Q. Did you not testify that you drew your fist back to strike him? A. I grabbed him with my left hand and raised my right hand to strike him, and then the officer reached out and grabbed me.

By Chairman Lexow:

Q. And up to that time, the officer stood by and did nothing? A. Yes, sir; and I called the attention of the officer to the captain, who was working in the interest of Tammany Hall, walking inside of the rail and dropping ballots and then kicking them into the booths, and he said he did not see them.

By Mr. Sutherland:

Q. How many times did you do that, call attention of the officer to that? A. Only once that day.

Q. This man, Whitty, was an ex-convict? A. Yes, sir.

By Chairman Lexow:

Q. Whose attention was called to that fact about the ballots? A. I called the officer's attention to that.

Q. And he said what? A. He said he did not see anything done.

Q. Did you see him looking at the occurrence? A. He was looking in the direction of where it was, and where this man was standing inside of the rail; I was outside of the rail; I was excluded.

Q. How far from the officer did that happen? A. Four or five feet.

By Mr. Sutherland:

Q. And he was looking in that direction? A. Yes, sir.

Q. And this man was an ex-convict? A. Yes, sir.

Q. Did anything happen to him that same day? A. Yes, sir.

Q. What? A. He went to a polling place in Oak street and another one came down there and they intended to create trouble in the district, and they got into a conflict, and he was shot in the jaw.

Q. On that same election day? A. Yes, sir; by his companion.

Robert J. Cromie, called as a witness on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Thirty West One Hundred and Sixteenth street.

Q. How long have you lived there? A. I moved there in August, 1893.

Q. Where did you live prior to that? A. One Hundred and Twenty-eighth street, between Sixth and Seventh avenues, No. 135.

Q. Always been a New Yorker? A. Yes, sir; born and brought up in New York.

Q. Did you go to the polling place last fall to vote? A. The beginning of it, that being my first vote in the forty-second election district of the Twenty-sixth Assembly; I went there about 9 o'clock in the morning, and going down to the polling place I saw the Tammany box was about in the middle of the block at 1662 Park avenue; there were about 10 of the Stuyvesant club all lined up on the street with badges on; they grossly insulted me all the way to the polling place; they offered me tickets, and I told them my ballots were inside, that I had no use for them; at that time, I had taken no active part in the organization of that district, but I looked around to see if there was a Republican badge, and there was none there, and I took it for granted that I had to push my own battle, and the policeman said, "Why don't you take one of these tickets?"

Q. Where was the policeman? A. One Hundred and Seventeenth street and Park avenue.

Q. How far from the polling place? A. One door, which is 117 from Park avenue.

Q. Was he standing one door from the polling place? A. Yes, sir.

Q. How far from the polling place were those men distributing those tickets? A. They were standing two on the corner talking with him and one of the parties offered me pasters to put on my ballot, which I refused.

Q. Now, tell your conversation with the policeman? A. He said to me — I don't know his name, but he knows me as "Bob," for I lived in Harlem, and he knows me by the first name; I don't know whether he knows my last name or not.

Q. Was he in uniform? A. He was in uniform and on duty at the polling place, and he said: "Bob, why don't you take one of these tickets;" the remark I passed, and all the conversation I had with him was, "My tickets are inside;" I went inside, and when I got to the polling place I could not open the doors, and there was a party who opened the door, and I went in the polling place to deposit my ballot and came out again, and, coming by the box, they pushed another man into me, into the election box, and I said no more because I thought to myself, "I will see you later;" then I made up my mind that I would take an interest in the organization of my district, and found out where the association met, and I went and joined the Morton Club; that was the Republican organization in that district at that time; the last election, that is, the special election.

Q. That all occurred last fall? A. Yes, sir.

Q. Was that the time that these pasters were given out, last fall? A. Yes, sir; this was on the special election; now, we are coming to the paster part; I am only giving you the time that I resided in the district.

Q. This was in 1893? A. Yes, sir; now, we are coming to January 30, 1894, on the Congressional special election; I was down to the district, there have been a good many complaints coming into headquarters about trouble through the district; I took a walk in the morning around the district; I thought to myself that I would make an early vote; I had a little business to attend to and I went directly from getting my breakfast — I had been out early in the morning at the polling place and I went back and got my breakfast and took a walk down the district and came back to vote; as I was standing at the polling place, the Democratic leader of the Assembly district came along in his buggy, and he said to the election district leader, "If you don't carry this district to-day, you will lose your head;" that is one of our police justices to-day.

Q. What is his name? A. Mr. Burke; he is president of the Stuyvesant Club; I made up my mind that there was no use of having anybody arrested, because by the remark of that kind — (Objected to.)

Q. Never mind that; just state what was done? **A.** I trotted around the district twice—three times in fact, around the Assembly district, and I went over to the Second Assembly district, One Hundred and Third street, and there has been a complaint of trouble at the headquarters; in going into the election district I saw one of the Tammany men sitting inside of the door.

Q. Inside of what door? **A.** Inside the booth, inside of the store, and he handed me a ticket and paster just as I went into the door and two policemen sat right there in the window.

Q. How far from the booth? **A.** About four feet; they sat inside of the window of the store, and I turned round and said —

Q. Which way were they facing, toward the booth or the other way? **A.** One sat in this manner, and the other sat right opposite to him.

Q. Was one of them facing the booth? **A.** They were inside and they were looking right at the booth; I said to the policeman, "Is this the way things are getting done here?" and he says, "Well, I don't know anything about it;" says I, "This man has no right to give out pasters anyway," and he says, "How the hell do you know that he gave out pasters;" I said, "There are the pasters, that is proof of it," and I turned around to the supervisor, and I said, "If anything more like this exists, I will indict you people; you people are supposed to be near that rail;" and I said, "You make note of that on your book under 'remarks,' but the policeman would not put them out."

Q. Did you ask the policeman to put them out? **A.** I did, and he said he had nothing to do with it; he did not see the paster handed to me, and he had nothing to do with it; I said, "Why is he allowed in the booth to hand out pasters, when he ought to be 150 feet away?"

Q. What did he do or say? **A.** He said, "I have nothing to do with it," and the man walked out himself and I came out, and as I came out the policeman stood talking to him at the door, and he said to him, "You damned fool, you ought to know who you are handing them to;" that is just the remark that he passed.

Q. That was the remark that the policeman made to this man who was inside? **A.** Yes, sir; as I came out.

Cross-examination by Mr. Nicoll:

Q. What is your business? **A.** Painter and decorator.

Q. How long have you been engaged in that business? **A.** About 10 years.

Q. Where are you painting or decorating now? **A.** At 30 West One Hundred and Sixteenth street, doing business for myself.

Q. Have you been in any other business in this city? A. Yes, sir; I have been firing on the elevated railroad and firing on the Pennsylvania railroad.

Q. You have not given much attention to politics, until recent years? A. Yes, sir; I always took an interest in my organization.

Q. In your organization? A. I always took an interest in the welfare of the district, but not in the politics until lately.

Q. You took an interest particularly in the general welfare of your country? A. Yes, sir; for an honest ballot.

Q. And for reform — are you for reform, too? A. Yes, sir.

Q. When did you wake up to this state of affairs? A. I woke up when I got in the district and saw that it was time to wake up, when I found that the way things existed.

Q. You did not wake up until last autumn? A. No, sir; I always went and voted, but I never took any spirited interest in any organization, but when I went and saw the way I was used at the polling place, I thought it was time the business men as well as the politicians should take an interest in such things.

Q. I understood you to say that they call you "Bob" in Harlem? A. Yes, sir.

Q. Does everybody call you Bob? A. Anybody that I am familiar with; it is a familiar word; "Hello, Bob, how do you do?"

Q. Do you travel around a good deal in Harlem? A. Yes, sir; in business matters I do.

Q. Out with the boys, too, at times? A. No, sir, I do not; I am a home man; I think a good deal of my home and always did.

Mr. Sutherland.—And you are trying to protect it at the ballot box, are you?

Q. How is it that everybody calls you "Bob" if you are such a home man? A. Like a good many other men who are brought up in the neighborhood and goes to school around there; I guess you would be called "Bob" if that was your name, meeting the boys that you used to travel around with in your younger days.

Q. And the policeman called you "Bob"? A. He did call me "Bob."

Q. And he said, "Why don't you take this ticket"? A. "Why don't you take the ticket," he says.

Q. You did not take it? A. No; I had no use for it.

Q. You went off and voted some other ticket? A. That is the way I always do.

Q. And that is the circumstance that woke you up? A. No, the circumstance was when I got pushed, going into my balloting place; I thought a man had a perfect right to the highway; I thought it was the duty of the policeman to arrest those people.

Q. You say somebody pushed you? A. Yes; when I went in, and when I came out, and my hat was knocked off.

Q. Was there not a crowd there? A. Yes.

Q. All trying to vote? A. No; not at all; they were a crowd of citizens with badges on pushing people who wanted to go in.

Q. Were you the only voter around there? A. No.

Q. There were a good many people in the polling place? A. No, sir; nothing of the kind.

Q. You were the only man? A. This did not happen in the polling place.

Q. It happened just outside of the rail? A. No; that was on the street.

Q. You were pushed on the sidewalk, were you? A. No, on the street; inside the polling place I had an opportunity to deposit my ballot.

Q. When you got inside, everything was in order? A. Yes, sir.

Q. You got your ballots and went into the booth and voted as you pleased? A. Yes, sir.

Q. And then you got pushed? A. Yes, sir; when I came out and got to the Tammany Hall box I got pushed again; one man pushed another into me, and my hat fell off.

Q. You mean the box where they gave out the pasters? A. Yes, sir.

Q. Is that what you complain of? A. Yes, sir; I am complaining of that in this way; that the policeman had a right to protect me, and not to allow these people to ill-use any citizen.

Q. Did anyone harm you? A. These people harmed me, when they pushed one another into me, and knocked off my hat, and the policeman grinned at it.

Q. You mean to say a man who has lived in Harlem all his life, finds any fault when he gets a little push on election day? (Objected to.)

A. Yes, sir.

Mr. Sutherland.—I object to the question; there are other witnesses here, and it is proper that only legitimate questions should be put to the witness.

Chairman Lexow.—The witnesses will understand that they will be protected absolutely.

Mr. Nicoll.—Rather than to hurt anybody's feeling, I will stop.

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

Mr. Nicoll.—Yes; I think so.

Mr. Sutherland.—That is all; unless the committee desire to ask some questions.

Leo Cohen, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. One hundred and twenty-three West Fifty-fourth street.

Q. How long have you resided there? A. About a year.

Q. Where did you live before that? A. Eight hundred and twenty-five Seventh avenue.

Q. You have always been a New Yorker? A. Yes, sir.

Q. Where did you vote at the last election? A. In the eighth election district, 101 West Fifty-fourth street; the Twenty-first Assembly district.

Q. You may tell the committee what you saw there in reference to the conduct of the police? A. I was there as a watcher.

Q. Had they Republican watchers? A. I was there as a Republican watcher: I was there from the time the polls opened, about half-past 5 in the morning, until about half-past 9 in the evening; I stayed there until the ballots had all been counted.

Q. Previous to the counting, what did you see, if anything, in regard to the conduct of the police, while the working was going on? A. I saw an officer standing at the booth when one of the voters had come out of the booth, and he said he didn't know how to fold his ballot, and the officer said, "I will show you," and the officer had one or two of the ballots in his hands, and I said, "There will not be anything of that kind of bulldozing going on here," and he told me I had too much to say; there were 15 or 20 people around there at the time; so he sent for one of the ballot clerks, and the ballot clerk had to show him how to fold his ballot, and he went in and voted; after that, when it came to the closing of the ballot, after the votes had been turned out of the box, and when they came to be counted, there happened to be 242 ballots; they counted them in tens, and there happened to be 240, and they had separated them, and they found 243 ballots.

Q. That is, they so stated? A. Yes, sir; so the crowd there, 20 odd Tammany people, demanded that the ballots be destroyed, the two ballots; they claimed that the two ballots that was found in one, should be destroyed; I objected to that and said, "There will be no ballots destroyed here;" and the officer said, "Let me have those ballots; I will take care of them for a while;" I said, "You are not authorized to handle any ballots, you are here to protect us people;" and the crowd said, "Let him hold them; he will take care of those two ballots," and the officer took the two ballots

Q. Did you call his attention to the law in reference to that?
 A. Yes, sir; I told him to lay the ballots down on the table; that he had no business with them.

Q. Did you tell him whose duty it was to take care of them?
 A. I called upon the crowd to not let the officer have them, and the crowd said, "You have got too God damned much to say;" I said, "I am here as a Republican watcher and I am going to stay and do my duty;" and one of them said to me, "You want to come pretty near keeping your mouth shut or we will sit on you."

Q. Where were the officers? A. Right behind the inspectors.

Q. Where were you? A. In front of the table.

Q. How far were you from the officers? A. About two feet.

Q. Where was the crowd? A. All alongside of him on the right-hand side; there were 20 odd people in the room.

Q. And the officer was facing you and this crowd? A. Yes, sir.

Q. And he was behind the inspectors? A. Yes, sir.

Q. What did he do to the ballots? A. I told him to lay them on the table, and the crowd said the best thing to do was to destroy those two ballots, the two ballots found in one; I said, "I will send up to the organization headquarters;" and the policemen said to the inspectors, "Sign the returns;" and I said, "Don't you do anything of the kind until this thing is settled;" and he said, "We will leave it to the Manual, and I brought over the Manual, and he claimed that two ballots folded into one should be destroyed, and one of the Tammany men said, "It looks to me as if there are two Republican ballots"—the fight was made in that district for the Assemblyman, and he said, "I will tear them up and settle the argument."

Q. Who said that? A. The officer did; and they put it to a vote, whether the ballots should be destroyed, and I had sent to headquarters to call down Mr. Blanchard, and Mr. Clark was also there, and they sent down word that they would not come down, unless the inspector sent for them; I asked the inspector to send for them, but previous to their coming there the officer destroyed the two ballots.

Q. You say there was a vote taken? A. Yes, sir.

Q. Who participated in that? A. The Tammany Hall people; they had a majority.

Q. Who asked for a vote? A. Nobody, only they said, "We have a majority here and the ballots will be destroyed."

Q. Is there anything else that you recollect? A. No, sir.

Cross-examination by Mr. Nicoll:

Q. Where do you reside? A. One hundred and twenty-three West Fifty-fourth street.

Q. Is that in the Twenty-first Assembly district? A. Yes, sir.

Q. That is what is known generally as the "brown stone district?" A. Yes, sir; the "silk stocking district."

Q. Is that the district where the Union Club League is situated? A. Yes, sir.

Q. Are you a member of any political organization? A. Yes, sir; I belong to the Republican organization.

Q. Which Republican organization?

(Objected to; objection sustained.)

Mr. Nicoll.—Mr. Chairman, will you permit me to call to your mind the fact that only an hour ago when Mr. Kempner was on the stand, I asked him to what political organization he was attached and you permitted me to show the different political organization in the Democratic party in the city, yourself stating or Senator O'Connor, that it was proper on the question of bias. May we not show the same thing in reference to the Republican organization?

Chairman Lexow.—No, because there can not be any bias on that question. We do not propose to have this committee used for the purpose of making discriminations between factions. We are not here for that purpose.

Mr. Nicoll.—Certainly not, and I am not here to do any such thing, but we can not shut our eyes to the fact that there are factions in the Republican party as well as in the Democratic party.

Mr. O'Connor.—Suppose the majority of this committee assume that every Republican will state the fact just as strongly as he feels the fact will permit him. We will assume that he is a partisan in that respect, but whether he belongs to this or that or the other faction is of no consequence. We will assume that they are all equally partisan. He tells us that he is a Republican. We assume that because he is a Republican that he will state the fact as favorably from his standpoint as he can. I do not see how you can make it any stronger to show which faction he belongs to.

Mr. Nicoll.—I would not be guilty of trying to make a division in the Republican party in this community. This is not my purpose at all.

Mr. Cantor.—The Republican members are very sensitive about factions.

Mr. Sutherland.—I will admit that every witness that I have examined, and every witness that I shall examine belongs to any one of the factions that he has a mind to name and Mr. Nicoll can take his choice that they belong to the faction that he thinks is the most to be despised.

Mr. Nicoll.—I dissent from that remark. I do not despise any faction.

Chairman Lexow.—The committee ruled that question out. Please proceed with the examination.

Q. How long have you been a member of any political organization in this city? A. Seven years.

Q. And to what political organization have you been a member for seven years— are you a member of the same political organization to-day that you have been a member of for the past seven years?

(Objected to; objection sustained.)

Q. Have you been, before this, inspector of elections? A. Yes, sir.

Q. How often? A. Eighteen hundred and ninety-one and 1892.

Q. Always in the Twenty-first district? A. Yes, sir.

Q. And in the same election district? A. No, sir.

Q. In a different election district of the Twenty-first Assembly? A. Yes, sir.

Q. What is your business? A. I am out of business at present; I have been in business for 12 years for myself, in the produce business up to a short time ago.

Q. Up to what time? A. Up to about two years ago.

Q. Two years ago? A. Yes, sir; since then I have been to the public stores within two months back.

Q. You are in office now? A. No, sir; I am out of office.

Q. You are out of office? A. Yes, sir.

Q. What office did you have? A. I was driving for Mr. Hess.

Q. What Hess? A. The man who has the contract.

Q. Jacob Hess? A. Simon Hess, the cartman.

Q. Is he a member of your organization too? A. No, sir.

Q. You were a driver for Mr. Hess? A. Yes, sir.

Q. For two years? A. No, sir.

Q. For how long? A. For a couple of months, and it got slack down there, and I was laid off.

Q. That is only two months out of two years; what have you been doing the rest of the time? A. Tending bar.

Q. Where did you do that? A. At summer resorts.

Q. What summer resorts? A. Saratoga.

Q. Where else? A. Westchester.

Q. Where in Westchester? A. The race track.

Q. The Morris race track? A. Yes, sir.

Q. You were bartender there? A. Yes, sir.

Q. How long? A. While the season lasted.

Q. All last season? A. Yes, sir.

Q. Where else? A. Down at the Brooklyn track— all the race tracks.

Q. What else did you do besides tending bar? A. That is all.

Q. Did you make books? A. No, sir.

Q. Did you help make books? A. No, sir.

Q. Were you a clerk for a bookkeeper? A. No, sir.

Q. You did nothing but tend bar? A. That is all.

Q. When you were not at the race tracks tending bar, what were you doing? A. Living home with my folks; doing nothing; I could not get anything to do; I would do anything that came along.

Q. What came along? A. Any kind of work that I could get.

Q. What kind of work? A. Well, addressing envelopes at Republican headquarters, or anything at all.

Q. I am speaking of two years — two months you were in the public stores, and during the summer season at the race tracks, tending bar; that only lasted two or three months? A. It lasted the whole season.

Q. Four months? A. Seven or eight months.

Q. What did you do during the rest of the year? A. Nothing; only live at home; I had a few dollars saved and lived home, and did not need to work.

Q. You did not need to work? A. No, sir; not for three or four months.

Q. You lived on what you had saved during the summer? A. Yes, sir.

By Mr. Cantor:

Q. Did you say you addressed envelopes at the Republican organization? A. Yes, sir; perhaps for a week, or two or three nights.

Q. During the campaign? A. Yes, sir.

By Mr. Nicoll:

Q. When did you first tell this story? A. To all of the Republicans in the Twenty-first district on the election night; I told it to everybody.

Q. To as many as you met? A. To pretty much everybody, who was there at the organization, when the returns came in.

Q. Have you been talking of it ever since? A. For the last week or so, I suppose.

Q. You have been telling it for the last two weeks? A. Yes, sir.

Q. To everybody you met? A. Yes, sir.

Q. When did you first tell it to Mr. Sutherland? A. I told him this morning.

Q. Who was the person you told it to, before you told him? A. Our candidate for the Assembly, our defeated candidate, Mr. Wise.

Q. When did you tell him? A. About two weeks ago; in fact he knew about it, from the time of the election.

James S. Lehmaier, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. No. 203 West One Hundred and Third street.

Q. What is your business? A. I am a lawyer.

Q. Your office is where? A. No. 132 Nassau street.

Q. You have been practicing in New York for how many years? A. Twelve years.

Q. Always resided in New York? A. Yes, sir.

Q. You have resided where you do now for how long? A. Since last October; October 1st.

Q. And prior to that where did you reside? A. Two hundred and four West Eighty-first street.

Q. How far from your present place of residence? A. About a mile.

Q. Where did you vote last election day? A. I voted—I forget the number, but on Amsterdam avenue, between One Hundred and Third and One Hundred and Fourth streets.

Q. How far from your residence? A. I live in the Edinburgh Hotel, which runs along One Hundred and Third street, and also along Amsterdam avenue, and the polling place is on the Amsterdam avenue side of that hotel.

Q. How far from where you live? A. It is on the ground floor of the hotel, in a store.

Q. So you practically live in the same building which was occupied as a voting place? A. Yes, sir.

Q. This occurrence about which I am to ask you about occurred last fall? A. Yes, sir; but not at that polling place.

Q. Where was it? A. On Eighth avenue, between One Hundred and Seventeenth and One Hundred and Eighteenth streets, I think; it was on the east side of Eighth avenue.

Q. Can you tell us what was the election district? A. I think it was the twenty-first district of the Twenty-third Assembly.

Q. What time did you go there? A. About half-past 3 o'clock in the afternoon.

Q. Tell all that occurred when you went there? A. During that day, Judge Taintor and myself had walked through a considerable portion of the Twenty-third Assembly district to see how matters were progressing; we took our lunch up on One Hundred and Twenty-fifth street, and at about a quarter to 3 o'clock we left the place where we had taken lunch and walked

down Eighth avenue, with the idea of watching to see what was transpiring; as we were passing this polling place, I think it was a cigar store, it might not have been a cigar store, but a small store of some kind, I looked through the show window and saw a policeman in the act of putting his hands upon a young man whom I recognized as being the Republican captain of one of the election districts up there; there were a number of men gathered around, apparently more or less excited, judging from their gestures and their proximity to this man, and I said to Judge Taintor: "There is a man whom I know; I suppose he is a watcher here, and I think we had better step in and find out what the matter is;" "we stepped in, and I heard a man whom I was told was the Tammany Hall captain of that election district and one of the poll clerks say to the policeman: "Put this man out;" I stepped up and said to the man, whose name was Joseph Miller: "Miller, are you a watcher here," and said "yes;" I turned around to this man and said: "This man is properly here, and has the right to be here as long as he behaves himself, and you ought not to put him out;" Judge Taintor made some remark to that effect, and things quieted down, and it was generally understood, we believed, that the man was properly there; we then left the polling place and walked down a block or two and proceeded as far as One Hundred and Sixteenth street, when I said to Judge Taintor: "I think Miller is having a pretty hard time there; he seems to be there all alone, and perhaps I had better go back and see that no further trouble has occurred;" I went back there and went into the polling place, taking a position in the corner, near the window, and stood there watching things for about 10 minutes, when this same man whom I have referred to as being the Tammany Hall captain of that election district came in and said to the policeman, "I want you to put that man out," referring to Miller.

Q. Did he point to him? A. Yes, sir; he pointed to him, and the policeman moved forward as if he were about to put Miller out.

Q. The policeman moved forward in the direction of Miller? A. Yes, sir; I said, "Gentlemen, I thought this matter had been dismissed and that Mr. Miller's rights had been recognized;" then the ballot clerk spoke up and said, "That man has got to go right out, and so have you;" I said to Mr. Miller, "Have you another watcher's certificate?" Miller said, "Yes," and he gave me a watcher's certificate in blank, and I inserted my own name in the blank and moved forward toward the guard-rail, amid considerable excitement and profanity.

Q. How many people were there? A. I suppose about at that

time a half dozen people, excluding the election officers; I said to the chairman of the board of inspectors, "Mr. Chairman, I desire to present you my certificate and to ask you whether I am not entitled to be here;" the ballot clerk pushed me back and a policeman took hold of me and said, "You will have to get right out of this;" I said, "I want the decision of the chairman of the board of inspectors upon this matter."

Q. That is what you said? A. Yes, sir; with that, the policeman took me and pushed me bodily, a distance of about 10 feet and through the door, and with such violence that I was thrown down upon my back; I got up and said to him, "You had no right to assault me; if I had done anything to violate the law, it is your business to arrest me, not to assault me;" he said, "You have got no business in there;" I said, "I am going back there again and the only way you can prevent me from going back there is by arresting me;" I moved in the direction of the entrance of the polling place, and he said, "All right, I will arrest you," and he took me to the One Hundred and Twenty-fifth police station and the Tammany Hall captain of the election district followed me, and the policeman did not make any specific charge against me, but the Tammany Hall captain did; I think he charged me with disorderly conduct; I stated facts to the sergeant, and the sergeant said, "I will entertain the complaint of this man;" I said to the man, "You recognize what you are doing," and then a citizen whom I don't know, but whom I believe witnessed the occurrence, spoke up and said, "I will go this gentleman's bail bond and the sergeant said he could not take bail inside of an hour and asked me to step in the officer's room; I went in and stayed there for an hour and at the end of an hour I was released; the following morning I appeared before Judge Feitner at One Hundred and Twenty-fifth Street Police Court, and the judge listened to the testimony and then discharged me.

Q. When was that? A. Last election day.

Q. He took you to the One Hundred and Twenty-fifth Street Police Court, did he? A. Yes, sir.

By Mr. Nicoll:

Q. What became of Judge Taintor all this time? A. He left me at One Hundred and Sixteenth street, as I have stated; he had gone down to the West Side Republican club when I started to return.

Mr. Sutherland.—Any further questions of this witness?

By Chairman Lexow:

Q. Do you know what became of Miller? A. Yes, sir; I forgot to state that part; that within five minutes of the time that I was taken into the police station, Mr. Miller was brought in by the other one of the two officers there and also charged with disorderly conduct and he was released on bail by some other person going on his bond and arraigned the next morning and also discharged.

Q. That left no Republican watcher at the polls, did it? A. It left none as I understand it.

By Mr. Sutherland:

Q. You did not see any one there who was a Republican? A. He was the only watcher, as he informed me, and he was taken from the polls at a very critical time, at the very closing of the polls.

Q. You have this certificate of authority all this while? A. Yes, sir.

By Mr. Cantor:

Q. The Republican inspector was there all this time, was he not? A. I assume that he was there.

By Mr. Nicoll:

Q. What was the cause of the trouble with Miller? A. The first trouble?

Q. Yes. A. That I do not know.

Q. Did not Miller get into some dispute with the others before you arrived? A. I do not know; I entered when the police officer, at the apparent instigation of the ballot clerk, was about to eject Miller from the polling place.

Q. And what the cause of the difference between Miller and the other election officers was, you do not know? A. I do not.

Q. Was Miller sober? A. Yes, sir; so far as I could judge, he was fairly sober, and I saw him for an hour and a half during that afternoon, from half-past 3 until we were both released at 5 o'clock.

Q. You said he was laboring under a great state of excitement? A. I do not think I said so, that he was laboring under a state of excitement; I said the people in the polling place were all more or less excited, and I presume Mr. Miller was somewhat excited, and naturally so.

Mr. Sutherland.—You might add, properly so.

The Witness.—I think I might accept the amendment.

Q. You do not concede that you had a right to write your name as a watcher in that certificate, do you? **A.** I do.

Q. To appoint yourself as a watcher? **A.** I do.

Q. A watcher under the statute? **A.** I think so; where the certificate is signed by the proper officials.

Q. Have you an idea that anybody finding a blank certificate can write his name in as a Republican watcher? **A.** My opinion is that when anybody received a certificate through the proper channels and finds the name of the watcher or rather blank, in place of the name of the watcher, that he might insert any name that he chose.

Q. Did you ever read the statute on that subject? **A.** I don't remember whether I have or not.

Mr. Sutherland.—I do not think a cross-examination on a question of law is quite material to this controversy.

The Witness.—Will you permit me to make this observation?

Mr. Nicoll.—Yes; any observation you like.

The Witness.—It is, that I made no attempt to enter, the guard-rail, to get behind that, but I stood there perfectly quiet, in a corner of the polling place, and even had I not been armed with a watcher's certificate, I think I would have a right to stand there, as long as I was not creating any disturbance.

By Mr. Cantor:

Q. If that was the case, the room might be filled with people? **A.** Yes; but if you were told to go out—as soon as I was told to go out I armed myself with a certificate.

Mr. Sutherland.—That is a question of law, and I object to any further examination in this line.

(Objection sustained.)

By Chairman Lexow:

Q. You said there was six or seven others outside of the guard-rail; do you know who they were? **A.** I do not; I know one was this Tammany Hall captain.

By Mr. Cantor:

Q. Was Miller the Republican captain? **A.** Mr. Miller was the Republican captain and watcher.

Q. And he was inside the polling place? **A.** Yes; but not inside of the guard-rail.

By Mr. Nicoll:

Q. I understood you to say that you and Judge Taintor had been to a luncheon party together? A. Not a luncheon party; Judge Taintor and I took a very frugal lunch, upon that day, being quite busy.

Q. With or without? A. I think without, if I am not mistaken; I had a cup of coffee.

Robert M. Mackin, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Four hundred and thirty-six Ninth avenue.

Q. What is your business? A. Printer — compositor.

Q. Did you have any official connection with the election in 1892? A. I was the chief deputy marshal of the Fifteenth Assembly district.

Q. Were you in the first election district of the Fifteenth Assembly district about 1 o'clock in the afternoon on election day? A. It was my business to see that the polls were properly manned by the United States marshals; about half-past 1 I started to go the rounds; I got as far as the first election district, and I saw a crowd standing in the doorway, and I elbowed my way in and two policemen were inside, and as soon as the Republican inspector caught sight of me he said there were two men in the booth.

Q. Where were the police? A. Half way between the door and the rail of the polling place.

Q. Where in reference to the booth that the inspector pointed out? A. About 10 feet from it.

Q. Which way were they looking? A. I did not notice particularly.

Q. How far were you from that booth? A. About 10 feet.

Q. Near where the policemen were? A. Yes, sir.

Q. How far was the Republican inspector from the booth? A. About eight feet.

Q. In the same direction that you were? A. Yes, sir.

Q. And he pointed to you and said there were two men in that booth? A. Yes, sir.

Q. Then what occurred? A. I went to the booth and opened the door and saw one of the heelers of the district in with a voter, handing pasters, and I grabbed him by the collar and pulled him out.

Q. What did you say to the police? A. I went to the police and said, "This is a pretty state of affairs; what are you here

for;" and they said they did not see anything; I said, "If you don't clear this place right away I will go and report you;" while I was talking to the policemen, this man, the heeler, went behind the booth and shoved him a paster between the cracks of the booth.

Q To a voter inside? A. Yes, sir; and I went back after him.

Q. Where were the police when he did that? A. Right in the same place.

Q. Were the police looking that way? A. I could not say; but I called their attention to it.

Q. What did they say or do? A. They didn't say anything; they got a kind of a smile on their face.

Q. You called their attention to the man shoving a paster through the cracks? A. Yes, sir.

Q. And they smiled and did nothing? A. Yes, sir.

Q. What did you then do? A. I went back to the man and threw him out on the street.

Q. Is there anything else that you saw? A. Only in my rounds through the district; I observed the same general condition of affairs.

Q. You saw specific acts of that character? A. I did not see specific acts, but the general conduct of the election was about that way.

Mr. Sutherland.—I do not care about that

Cross-examined by Mr. Nicoll:

Q. What is your business? A. Compositon

Q. Where do you compose? A. The **Cosmopolitan Magazine**.

Q. How long have you been in that business? A. Twenty-one years.

Q. That has been your occupation all your life? A. Yes, sir.

Q. Are you a Republican? A. Yes, sir.

Q. A member of an organization in this city? A. I am.

Q. How long have you been a member of that organization?
A. I have been a member of one organization called a Republican organization for six years.

Q. Where do you live? A. Four hundred and thirty-six Ninth avenue.

Q. You were appointed a marshal? A. Yes, sir.

Q. Who had your appointment? A. I believe John W. Jacobus, who was then and is now United States marshal.

Q. Were you in his district? A. No, sir; in the Fifteenth Assembly district.

By Senator Cantor:

Q. Were you assigned to a particular election district? A. No, sir; I had general supervision over all the marshals in that district.

Mr. Sutherland.—It was his duty to go through the entire district.

By Senator Bradley:

Q. Did you not have a deputy in each election district? A. I was supposed to have two.

Q. You have no deputy in that district? A. When I got there I found the deputies had gone, and I asked where they were, and somebody said they had skipped.

Q. And you had to certify to their pay before they were paid, did you not? A. Yes, sir.

Q. Do you think you were doing justice to certify to their pay when they did not serve? A. They did not get their pay.

By Chairman Lexow:

Q. Did you hear why they were compelled to leave? A. I understand the story that I got, that the Tammany Hall captain got hold of them and jollied them out.

Senator Cantor.—That is all hearsay.

Frederick Morgenweck, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Two hundred and twenty-two East Seventy-fifth street.

Q. Did you have official relation with the last election? A. Yes, sir.

Q. What were you? A. Captain in the ninth election district.

Q. A Republican watcher? A. Yes, sir; and a challenger.

Q. Tell the committee what you saw on election day in regard to the conduct of the police? A. There was a young gentleman over there who seemed to have full sway of the polls.

Q. What is his name? A. I could not exactly say what his name was; he was a watcher, I am pretty sure of that; when I got there, early in the morning, I found a gentleman behind the rail where he had no business, and I told the officer who was guarding the polls to put him out, and he laughed at me and said, "Yes;" of course, I told him he would either have to get out or he would have to lock him up, and he said all right,

and he went over and spoke to the man and told him to stop, that we were objecting to it, and that he would blow a storm over it, raise trouble about it.

Q. What was it he told him he must stop? A. He said to the one inside the rail—he ordered him to keep out, and at the same time it was not two hours when he came in and done the same thing, and he went to the Democratic chairman of the board and got a list of the names of people who voted and those who had not, and then he went out to the 150-foot limit—

Q. Where was the policeman when he got the list of names? A. In the polling place.

Q. How far from the man? A. About four feet.

Q. Did he see him? A. Yes, sir; we drew his attention to it.

Q. What did the policeman say? A. He didn't say anything.

Q. What did he do? A. He said, "This is the last time I will tell you; you will either have to keep out or I will arrest you," and that looked like a piece of knavery, and he came in and did the same thing over.

Q. What did he do with the list of names? A. The policeman said, "You want to keep out of here," and he laughed and he said, "That is all right," and he got out to the 150-foot limit in front of the polls and he gave the men the list of names who had not voted, and they went tracing around to the houses to pull them out.

Q. How many times did you see the man go in and out there? A. Three successive times.

Q. And each time you called the attention of the officer to it? A. Yes, sir.

Q. And he did not stop them? A. Yes; he simply told them to keep out; he didn't do anything to prevent him from going in.

Cross-examined by Mr. Nicoll:

Q. What is your business? A. Cigar packer.

Q. Where? A. No. 446 East Seventy-sixth street.

Q. How long have you been there? A. I have been in the trade four years.

Q. Are you by yourself, or employed by some one? A. I am employed by Mr. Frank Gershy.

Q. How long have you been in his concern? A. About two weeks.

Q. What were you doing before that? A. I was employed on Second avenue and Sixty-fourth street.

Q. For how long? A. I was there one year with a cigar manufacturer.

Q. Where were you before that? A. I drove for Lord & Taylor; Grand street.

Q. You say you were a watcher? A. I was a Republican captain of that district.

Q. Of what election district? A. Of the ninth election district.

Q. Where is that? A. Seventy-fifth street and First avenue.

Q. How long have you been captain there? A. The last Congressional election, January 30th.

Q. Are you captain now? A. I don't know that I will be captain now; if I am placed I suppose I will be there.

Q. Placed by whom?

(Objected to.)

Chairman Lexow.—The objection is sustained as immaterial.

Senator Cantor.—You see how sensitive they are?

Mr. Nicoll.—Yes.

Chairman Lexow.—It is discussing unnecessary matters. The examination will last long enough without going into immaterial matters.

Mr. Nicoll.—I do not understand what he means by being "placed there."

Mr. Sutherland.—He means designated to serve as captain in that place.

Senator O'Connor.—I want to suggest that we have already announced our position that we do not propose to permit this inquiry to go into the question of Republican faction. We do not care anything about that. We are here to get at the facts.

Mr. Nicoll.—I am not here for the purpose of embarrassing this committee; I do not think I have used up one hour all told in the examination of witnesses.

Senator O'Connor.—You have tried several times indirectly to bring out matters that have been ruled out. Nobody has asked about the Democratic factions except yourself. We do not intend to have our attention or our time occupied in eliciting facts for the purpose of finding out how many of these witnesses belong to the Millholland organization or the Committee of Thirty, or of the Platt organization.

Senator Cantor.—Are there three organizations?

Senator O'Connor.—I don't know anything about it, and nobody can direct this inquiry into that channel.

Mr. Nicoll.—After your severe reproof, I do not feel like going on at all.

Senator O'Connor.—No reproof at all

Proceedings of the third meeting of the committee, March 16, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob E. Cantor, Charles T. Saxton, George W. Robertson and Cuthbert W. Pound, of the committee.

William A. Sutherland, of counsel for the committee.

Delancey Nicoll, of counsel for the police board.

J. Augustus Johnson, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. In Eighty-eighth street.

Q. What number? A. One hundred and five at present; my house is across the street, but I am temporarily at 105.

Q. Then your house — you have lived in your house how long? A. Since 1886.

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

Q. What Assembly district is your residence in? A. Twelfth Assembly district.

Q. What election district? A. First election district.

Q. You were a Republican watcher at the last election? A. I was a watcher clothed with a certificate from Mr. Bartlett, authorized as a watcher on those credentials.

Q. In the interests of Mr. Bartlett? A. Yes, sir.

Q. And as such you served at what polling place? A. I think the number is 238 Third avenue; at any rate it is the polling place of the first election district of the Twelfth Assembly.

Q. You arrived there in the morning about what time? A. About 20 minutes before 6; half-past 5 or 20 minutes before 6.

Q. Please tell the committee all you saw or heard in reference to the conduct of the police as bearing upon that election? A. Well, I noticed no occasion on the part of the police that might be called an active commission; I saw no violence, but the acts of omission were numerous.

Q. Those you may relate? A. Well, if it was the duty of the police to prevent able men from being accompanied into the booths as disabled men, then it was an act of omission.

Q. State what you saw in that respect? A. Well, I saw four or five men to all appearance as able as myself to fold their ballots.

Q. Yes? A. They were accompanied in the booth by one man, who was the same man in each case.

Q. Who was he? A. I think his name was Hovey, but I am not sure.

Q. What relation did he occupy to the gathering there? A. None whatever that I know of, except that he was one of the number who was there all day in behalf, as I understood, of the Democratic candidates.

Q. And you saw this Hovey go into the booths with several able-bodied men? A. I saw him go in several times with men to all appearances able-bodied.

Q. To all appearance — in what respect? A. All about there; I challenged several on the ground that they were to all appearance fully able, and required them to swear in their vote; one man for example declared he was blind and could not see, but the fact was called to his attention that he was able to see to all appearance, and to see to work his way about, and then his reply was he was near-sighted, that troubled him, and he had left his eyeglasses home; and then to my request that he should go home and get them, it was replied by this assistant, supposed to be Hovey, of this representative of this Maynard ticket —

Q. A man whom you understood was Hovey? A. Yes, sir; that it would cause loss of time to go home and get his eyeglasses, and he was allowed to go in; and he went in with four or five other, one of whom complained that he could not fold his ballot on the ground that he was a German, a grocer, and could not distinguish the ticket apart.

Q. You say you protested against this? A. In each case.

Q. Where were the policemen at that time? A. One inside the booth and one outside the rail.

Q. How far from where you stood? A. Well, it varied from two feet to 15 or 20 feet.

Q. But, where they could see and hear all that took place? A. Entirely, yes; there were several men voted notwithstanding my challenge, upon names which had been voted for before, in three instances.

Q. And where were the police then; in the same relative position? A. In the same relative position.

Q. They saw these men vote, and heard your challenge? A. Not only that, but policeman No. 212 discussed with him the law, and looked over the book which I had in my hand to ascertain what bearing the law had on the subject, and seemed to take an unusual and intelligent interest in all that passed.

Q. What did he say about the man that voted? A. He said it is a difficult question; I hope you can find something in the law that will make it clear; the point was that a man had voted under the name of Frank H. Jessup, say about half-past 10 o'clock; his vote was received, and no challenge made, and about 1 o'clock another man appeared and said his name was Frank H. Jessup; I challenged his vote, on the ground that the vote had been received on his name, and I told the police officer to arrest the man who offered his vote.

Q. Did he do so? A. He made no effort to do so; the man

that wanted to vote sneaked away in the crowd and disappeared, and the men around the front door, on the steps, they closed in in front of him so he could not be reached, and he disappeared; at 3 o'clock another man appeared under the same name.

Q. You demanded of the policeman that he arrest this man?

A. I demanded of the assembly that he be arrested.

Q. The policeman was there in hearing? A. In hearing all the time.

Q. And saw the man? A. I have not the slightest doubt that he heard and saw it all, as he was there all day.

Q. You say there was a crowd about the door? A. All day.

Q. How far was that from the booth? A. Well, the throng was from the booth-rail to the door; the distance was about four to six feet.

Q. And the policeman saw the throng? A. He could not help seeing it.

Q. And it was apparent that it was in this throng that this man disappeared whose arrest you demanded? A. Yes, sir; and it occurred in two other cases; Lewis S. Moore, three votes were tendered at different times, and two accepted; two votes were accepted in the case of George Berg, whose case I noted at the time; I challenged in each case the second time; the vote was made, in each case; in one case, the case of Frank S. Jessup, the chairman of the inspectors of election on the argument of the challenge finally concluded that he recognized Jessup as the third man, and when I asked why he did not refuse the first man he said he was not noticing, and was writing, and did not look up; and they took the second vote in each case, and on my —

Q. And in the case of Jessup took the three votes? A. No; because the second Jessup disappeared on my demand for his arrest.

Q. But took the third man that offered to vote under that name? A. Yes, sir; and decided that their course would be in case of an excess of ballots in the box, that they would take out any surplus and destroy them; I contended against that, because I said it might be my vote you take out instead of the wrong man's vote, and they said they could not help that, but that was the course to be pursued.

Q. You may go on from there; what next? A. I observed during the day men all around the front door, and within certainly the 150 feet legal distance; and to my surprise, in the afternoon, there were three men with money in their hands arranged between their fingers in a very prominent way, and they made no concealment of it, and they passed rolls of bills from one to another, and they stood about the door with these bills in their hands.

Q. Were they in sight of the police? A. They were within seeing distance of the police; it was not a large room, and they were between the front door and booth-rail, and it was about eight or 10 feet from the door.

Q. Exactly. A. In one case one of these men, who were either watchers for Maynard, or sympathetic friends, called to a man who was depositing his vote at the time, who was putting it in the box, and said, "Come outside and get a paster;" I objected to that as interfering with the election, and, owing to these challenges of mine, and the objections I made, these men demanded that I be put out.

Q. Did they make that in an open manner? A. Demanded it in an open, strong and violent manner, and pressed forward to the rail with the view of assisting in my ejection; I called upon the policeman, saying I had the number of this particular policeman; I demanded from him all the protection that was due to me as certified watcher; I called upon the inspector, McHugh, also, saying he was responsible for any violence; I had received courtesy all through the day, and the inspector replied that I had been assigned a seat, and that courtesy would be continued, but I must not dictate to the inspectors what votes should be received, and should not interfere, all of which I accepted humbly, and endeavored to behave myself in an orderly manner; but I continued to challenge, and particularly a man whose vote was received after 4 o'clock.

Q. What were the circumstances connected with that; what happened? A. Well, 4 o'clock had come, and the question arose whether they should not close the polls at once, and some of the inspectors thought that they would be permitted to receive all the votes that were tendered by men then in the building; that they could close the outer door at that time, and all who were in line at 4 o'clock could be received; but as the name had been voted on once before I insisted on my challenge, and the other challenge being entered on the record on the inspector's books, not only because the name had been voted on before, but because it was after 4 o'clock; I gave two grounds for the challenge.

Q. Was the policeman there then? A. All the time; when violence was threatened me this policeman came and stood by me; my impression is that it was with kindly intent.

Q. He stood by your side? A. He stood by my side, and did not touch me, or threaten me there, and so I felt there was a representative of the police department which was not aggressive to me.

Q. What happened in regard to the number of ballots found in the box? A. As to that I can not say; I was 10 hours and a half at the polls.

Q. It was not you who stayed at that count? A. And I was hungry at half-past 4, and went away; three others came; I was the only watcher for Bartlett during the day, but at half-past 4, at that time one or two young men came in, who, on my inquiry, said they were watchers for Bartlett, and I thought my day's work was over, and went away.

Q. Is there anything else? A. I don't recall anything else.

Cross-examination by Mr. Nicoll:

Q. Did you tell your story to the Bar Association committee?
A. I did not.

Q. Who took the investigation of the election frauds? A. I have not spoken to any of them on the subject.

Q. Why not? A. I did not happen to meet them.

Q. Are you a member of that association? A. I am not.

Q. Well, you know that that association did appoint a committee for the purpose of observing the conduct of the election officers and police at the last election? A. Yes, sir.

Q. And that they collected a great deal of evidence on the subject which they exhibited to the extraordinary grand jury? A. Yes, sir.

Q. Did you think it worth while to tell your experience to the bar of lawyers? A. I thought it worth while, if occasion presented, but I did not hunt around after them.

Q. Where is your office in this city? A. No. 58 William street.

Q. You know a great many of the lawyers who are on that committee, do you not? A. I have no doubt I do.

Q. Did you ever speak to any of them about it? A. I had a talk with quite a number of men who are members of the Bar Association, but not that committee; in fact, it did not culminate in any direct complaint on my part to any member of the committee.

Q. You are aware, are you not, that during the month of December the question of the conduct of inspector of election and the police patrolmen and roundsmen was very largely discussed in this city? A. Yes.

Q. And it was a matter of discussion in almost every edition of the daily journal? A. Yes, sir.

Q. During all that time, you had this experience of yours within your own knowledge? A. Yes, sir.

Q. And never told it to anybody? A. Yes; I spoke of it everywhere.

Q. I mean you never told it to any of the authorities? A. I did not go with the purpose of taking a part in the investigation; no.

Q. You did not communicate it to the grand jury? A. No.

Q. Or to the Bar Association committee? A. No.

Q. Why, now, have you broken your long silence and come to the front? A. The silence has been broken from the beginning; I have mentioned these facts in three separate public addresses before large bodies of citizens; there was no silence on my part, only I did not hunt up a complaining or investigating body.

Q. Did you hunt up this investigating body, or did they hunt you up? A. No, sir; it was a perfectly accidental meeting; I was at the office of the Society of Colonial Wars, and a gentleman came in whom I had seen before, and a general discussion or conversation took place, and I mentioned incidentally my experience.

Q. Where was this; in the society of what? A. Colonial Wars.

Q. When was this? A. This was yesterday.

Q. You mentioned your experience to some gentlemen? A. Yes, sir.

Q. Is that it? A. Yes — did you mean yesterday, or previous occasions? I did on all previous occasions when it came up for discussion.

Q. Your presence this morning is due to your conversation with the gentleman, yesterday? A. Yes; I presume it is.

Q. Because you subsequently received a subpoena, didn't you? A. I did; I have it in my hand.

Q. You are a Republican in politics? A. I have voted the Republican ticket, but hold myself free in all municipal affairs to vote for the best man; that is my position.

Q. That is, in national politics, and on national politics, you are a Republican? A. I have been heretofore; I do not know what I may be in the future; it depends upon the action of the parties.

Q. You are a mugwump?

Mr. Sutherland.—I object to that.

A. I have always voted the Republican ticket, but I do not hold myself bound to vote it hereafter unless I choose to.

The Chairman.—I do not think it is necessary to go into that.

Q. Are you associated with any Republican organization of this city?

Mr. Chairman.—That is excluded. He has stated he is a Republican, and we will accept that.

Mr. Nicoll.—You do not deny me the privilege of inquiring whether he is the member of any political organization in this city?

The Chairman.—That has been excluded. He is a Republican. We will accept that as a bias by which we are bound.

Mr. Nicoll.—The witness disclaims any bias and states he is a Republican.

The Chairman.—The statement is recorded, as I understand it.

Senator Cantor.—I understand the chairman of the committee rules out any question that relates to any organization.

The Chairman.—We exclude anything with reference to any particular faction. We exclude the question as to whether or not the witness belongs to one or another of the political parties.

Senator Cantor.—Can it be asked if he belongs to any?

The Chairman.—That has been excluded.

Mr. Nicoll.—I do not wish to put myself in position as contending against the ruling of the committee, but I understand Senator O'Connor to say and the chairman to repeat at the last meeting of the committee that I was not to inquire into any question as to whether a man belonged to one organization or another, one faction or the other. I think you really misunderstood me, because I have no such intentions.

The Chairman.—It is not just to waste time; it is simply wasting time.

Mr. Nicoll.—It is a waste of time so far as this moment's examination is concerned; but it would not be a waste of time in future portions of the investigation if you announce to me that I am not to ask any witness if he is a member of any political organization.

The Chairman.—He stated he was a Republican on national politics and an independent on municipal affairs. We will assume that he is biased to a certain extent if he is a Republican at all. There is no necessity to go further into the subject.

Mr. Nicoll.—I want to know whether he is active in politics.

The Chairman.—Ask him that question.

Mr. Nicoll.—And thereafter whether he is a member of an organization.

The Chairman.—Not at all.

Senator Bradley.—He has stated he is a Republican but don't confess he is a straight-laced one.

By Senator Cantor:

Q. I will ask him this question; I suppose it will be ruled out; do you belong to any Republican organization in New York city?

A. I do not.

By Mr. Nicoll:

Q. I understand you to say, Mr. Johnson, that your present complaints here against the police were those of— A. I have not said anything of the sort; I am making no complaints; I am here by subpoena, and am here answering questions.

Q. Well, if you are not making any complaints now, you have made complaints before, haven't you? A. I have related the circumstances that occurred on election day in several public meetings in which I made addresses, and simply as a matter of fact.

Q. I am not asking you about those; didn't you make complaints to police officers themselves? A. Yes; at the time they occurred.

Q. And now you are stating the fact, whether it be a fact, of a complaint, or narrative, or statement, or whatever you choose to call it?

Mr. Sutherland.—It was we who choose to call it; he is here on subpoena.

Mr. Nicoll.—Whatever he chooses to call it, I say.

Mr. Sutherland.—He don't choose to call it anything at all.

Q. You are not stating the complaints which were made at that time, and which were not acted upon then? A. I stated the facts as they occurred that day.

Q. I think I understand you to answer, Mr. Sutherland, that your criticisms, if you choose to call it that, perhaps that is a more delicate way of treating it—your criticisms were those which related to omissions by the police instead of active violations of the police ordinances, regulations or rules; that was it, wasn't it? A. Yes, sir; except as far as omissions are active violations; yes; it was their duty to prevent electioneering at the door.

Q. Did you make complaint of the conduct of these roundsmen to the superintendent of the police? A. I did not.

Q. In writing or verbally? A. I did not.

Q. Did you make any such complaint to the inspector of that district? A. I did not.

Q. Or to the captain of police in that district? A. No.

Q. Did you make any complaint in writing, or verbally, to the commissioners of police, or any of them? A. I did not.

Q. Well, that is all.

By Senator Bradley:

Q. One question, please; in your opposition, or trying to prevent all these frauds, did you in any one instance insist upon a policeman making an arrest? A. In the case of Frank H. Jessup, I demanded the arrest of a man who attempted to vote on that name, that was voted before.

Q. Did you say to the policeman, I want you to arrest this man? A. I said to the assembly and the group, I demand this man's arrest.

Q. Did you ask the policeman to arrest him, directly? A. I can't say I did.

By Chairman Lexow:

Q. Were you facing the policeman when you made this statement? A. He was not in front of me, but it was the group; the policeman and inspectors constituted the group.

Q. He formed one of the group, did he? A. Yes, sir.

Q. And you addressed this conversation to the group? A. To the group.

Q. Consisting of how many? A. There were three inspectors and poll clerk, and the policeman.

By Senator Cantor:

Q. Have you an office with Judge Bartlett? A. No, sir.

Q. Or in the same building? A. Yes, sir.

Q. You know him? A. Yes — no, I can not say I know him, personally; I never spoke to him in my life.

Q. Who suggested your acting as watcher? A. It was my own desire; I applied for a certificate; I wanted to do my duty as a citizen.

Q. To whom? A. Lawyer named Charles B. La Baus, who has an office at No. 54 Wall street.

Q. The office of a Republican organization? A. No; no organization whatever; he was an acquaintance of mine; he said he knew Judge Bartlett, and I said I would like to do my duty as a citizen, and if he furnished me with a certificate I would endeavor to perform that duty.

Q. And did you consider your duty as a citizen completed when you made these discoveries and did not make a complaint either to the grand jury or to a police magistrate or a police board? A. No, I did not consider my whole duty completed, and hence my willingness to come here to-day to complete that duty.

Q. This is the first time you expressed that willingness? A. No; I expressed my wish, but it was never taken up.

Q. You considered your duty practically finished when the polls closed? A. Yes, on that day; I was worn out by 10 hours and a half work.

Q. Did you consider the violation of the election laws of the ballot-box was sufficient to prompt you as a citizen to make a complaint to the proper authorities? A. I felt from that time to this that I have not completed my whole duty, and have held myself ready to respond and make my duty more complete and uniform.

By Mr. Nicoll:

Q. Mr. Johnson, will you tell your full duty in regard to the violation of law would have been to make complaints to punish the offenders? A. Yes.

Q. That was your duty; so far as this story is concerned, you have told it in public meetings, haven't you? A. Yes.

Q. What did you expect to accomplish in telling it there?

Mr. Sutherland.—Objected to as immaterial.

Chairman Lexow.—This has gone far enough. What possible relevancy would there be if you established the fact that he did not go any further. He has stated that time and again

By M. R. Sutherland

Q. How many policemen were there in attendance at the polling place? A. One within the rail, and one outside; the one outside the rail came inside the rail as violence was threatened me.

Q. And when you demanded the arrest of this man voting on the name of Jessup there were but two policemen in the room?

A. There was not more than two, and I am not sure but the second one was within the rail; he was in and out, outside the door, and in the room, but not always inside the rail, as the other man was.

Q. So there could be no mistake in your demanding the arrest? A. No; not at all.

By Senator Cantor:

Q. Were there any other Republican watchers there on that day? A. None that I know of; and that reminds me of an omitted answer I might have made to Mr. Nicoll; there was no one there to corroborate my statements; there were eight or ten men to represent the alleged Tammany organization, and some of them admitted they were, and I thought that my statements might be contradicted by eight or ten on their side; I felt if there had been another Bartlett watcher there he would have corroborated my statements and there would have been more effect in my statements.

Q. So that is the cause why you did not make this complaint? A. Your remark suggests another reason.

Q. Suggest a reason? A. Suggested a reason that passed through my mind at that time.

Q. It did not occur to you? A. Not at the moment Mr. Nicoll spoke to me.

By Mr. Sutherland:

Q. And this question about your being corroborated before occurred to you? A. Yes, sir; frequently before.

Q. Did you speak to me about it yesterday? A. I spoke of it yesterday as a reason why I had not made an affidavit, because there was no one there informed about it but me.

Q. Was there a Republican inspector of election there on that day? A. He was; but I protested frequently, and he said these Tammany men will do what they please, and I can not do anything; my impression was from that day's work that he was not in sympathy with anything I said or did; I was thoroughly disgusted with his attitude on that occasion.

By Mr. Nicoll:

Q. What was his name? A. I think Trillard.

Q. Was that his first name? A. I think E. N.

By Senator Cantor:

Q. Where does he live? A. He is a tailor on Fourth avenue near Twenty-first street.

Hyman Goldman, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. It was morning; it was half-past two when I came inside the polling booth.

Q. Where do you live? A. I live at 72 Eldridge street.

Q. And did you live there in last election time? A. No, I was living at 78 Orchard street.

Q. And where did you vote last election? A. I was voting in Broome street, the twelfth.

Q. The Twelfth Assembly district? A. The Twelfth election, and the Third Assembly district.

Q. Were you a Republican captain at that time? A. Yes, sir.

Q. Did you challenge any votes? A. I challenged a man's vote, and I asked a policeman—I made a charge against him, and the policeman did not take evidence—did not take him along; and I went aside from the vote and a man struck me in the face behind the policeman.

Q. Where was the policeman when this man struck you? A. He was by me.

Q. And after you challenged this man? A. Before I challenged this man, and after, he struck me in the face, behind the policeman's face, and the policeman did not say nothing; and he asked some fellows around, "Give it to him," and the other policeman said, "Don't touch this man;" and I went to report that to the headquarters in the district where I belonged; and the man

told me, "Don't you be afraid, and go back," and I came back, and the policeman would not let me inside, and I showed my watching paper, and he made a charge against me, and took me before the judge, and fined me \$10.

Q. Had you done anything except to challenge those men? A. I did not do anything at all.

Q. Except to challenge this vote? A. To challenge this vote.

Q. Did he make any complaint against the man that struck you? A. I did not make nothing.

Q. Did the policeman do anything against him? A. No.

Q. But he made a complaint against you? A. He made a complaint against me.

Q. Whereabouts did he take you to do that? A. He took me to the Eldridge street police station-house, Captain Devery.

Q. Who was in charge of the police station when you were there? A. Captain Devery.

Q. What did the policeman say to Captain Devery when he got you there? A. He said I made too much noise.

Q. And then what did Captain Devery say? A. He did not say anything; he said, I am in business and should not stick to politics; I need not interfere with politics, as I am in business.

Q. What is your business? A. I have a cigar factory.

Q. Who was it that fined you \$10? A. Judge Ryan.

Q. Was he in the same room with Captain Devery? A. No.

Q. Then they took you from Captain Devery over to Judge Ryan? A. From Captain Devery to Essex Market.

Q. Who told him to take you to Judge Ryan? A. The Tammany captain told the policeman: "I make a charge against him and take him to the station-house;" and he made a charge against me, and I did not know anything about it; he asked my name, and so and so, and then he sent me to Essex Market with the judge, and he asked me the same questions, and what is my business, and my name, and \$10 fine; that was all.

Q. That was all? A. Because I was a Republican watcher.

Cross-examination waived.

Mr. Edward R. Duffy, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? A. One hundred and twenty-five W. Sixtieth street.

Q. Where did you vote last fall? A. In the fifteenth of the Nineteenth Assembly district.

Q. Did you visit other polling places besides your own? A. I visited all in the Nineteenth Assembly district.

Q. State what you observed, Doctor, there that day in regard to the conduct of the police? A. I found some of the police very obliging, especially to the Tammany Hall heelers.

Q. Just give us an instance that came under your observation? A. As a candidate for the Assembly last fall, I made it my business first to visit all the election districts in my Assembly district, and on my visit to the election district on Ninth avenue between Fifty-fifth and Fifty-sixth street — on my entrance there I found policeman 1255 in the booth with a voter.

Q. Twelve hundred and fifty-five was his number? A. Yes, sir; I immediately went out to look for the Republican captain, and could not find him, and on my return again I found the same policeman standing inside the rail, alongside a little shelf, where there was a voter, and he was showing him — where he was showing him how to fold a ballot; I said, "Officer, what are you doing there?" "What do you think I am doing?" I said, "I want to know what you are doing;" "I am trying to show this man how to fold the ballot;" he said, "What is it your business?" I said, "I will make it my business;" I said, "Get out of there;" he said, "I won't get out of there," and I said, "Who is the chairman of the polling booth," and there was a boy, 21 or 22 years of age, and he said, "I am;" I said, "I want you to take the policeman out of there;" he said, "Who are you?" I said, "I am a citizen;" he said, "Show me your credentials;" I said, "What credentials?" I said, "Officer, come out of there," and he said, "The chairman put me here, and I am going to stay here until he puts me out;" I then went to the twenty-second precinct station-house and saw the roundsman and stated the case to the roundsman; the roundsman referred me to the sergeant, and while I was standing there a patrol wagon came in, and the sergeant attended to the patrol, and then I made a complaint, and that is all I heard about it.

Q. What did he say when you made your complaint? A. He said he would see about it.

Q. You never heard anything further about it? A. That is all I ever heard.

Q. State the next case that occurred? A. After going the rounds of the district, I made it my business to go to my own election district, and I stood there all the afternoon in and out of the polls, and they were voting everything and anything coming along.

Q. Give us the instances; specify them? A. In one instance when I saw it was going too far, I said, "Mr. Chairman, what is the matter with this man you are administering the oath to?"

he says, "He is deaf;" I said, "Deafness is no physical disability;" "Never mind," said a bystander—"never mind, Mr. Chairman, what you say goes here;" he went in the booth.

Q. Where was the policeman? A. Outside.

Q. Was he where he could see or hear that? A. I don't suppose he was.

Q. Take up the next case where the policeman was present?

Chairman Lexow.—I would suggest that you limit yourself to where the policemen were present.

A. I would not swear positively whether the policeman was present; I know the policeman knew it, because I raised a row there, and he must have known it.

Q. Was he within hearing distance? A. He was outside the door.

Q. Was that within hearing distance? A. He knew it afterwards.

Q. Did you call his attention to it? A. I don't think I did; I would not be positive.

Q. Tell us anything that occurred under the observation of the police, aside from those you have already narrated.

Mr. Nicoll.—He has already narrated one.

Q. Continue, Mr. Duffy? A. I can not recall at the present time anything more in reference to the police.

Mr. Sutherland.—You may cross-examine, now, Mr. Nicoll.

Cross-examination by Mr. Nicoll:

Q. That is all you know about it—about the police? A. That is all I know.

Q. You made some complaint about the misconduct of election officers? A. I did, sir.

Q. So far as the police are concerned, it is confined within the transaction which you had with the sergeant, which was unacted upon; that is all you have against the police? A. That is all I have against the police.

Mr. Nicoll.—Very well, that is all.

Thomas J. Lanning, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 6 Spring street.

Q. And you have lived there how long? A. About in the neighborhood of 10 years.

Q. Where did you vote last fall? A. In No. 4 Spring street.

Q. And what election district is that, and what Assembly district? A. Twenty-seventh election district and Third Assembly district.

Q. Did you hold any official relationship to the election last fall? A. Well, I was appointed a watcher.

Q. And in that capacity you visited what polling place? A. The thirty-second election district, and the third.

Q. The thirty-second and the third; tell the committee anything you saw in regard to the conduct of the police? A. Well, I visited the polling place in the neighborhood of six; everything was calm until about half-past seven; I saw a line formed of voters.

Q. Was it in the morning? A. In the morning; I saw a line formed of voters, and I questioned some of them, and they told me that was all right; however, I see one man I did not think was entitled to vote; I told him, "If you vote I will have you arrested;" was pulled at, struck, kicked, thumped and thrown in the street.

Q. Where was the policeman at that time? A. He was keeping the line in order on the other side.

Q. How far was he from you? A. Inside of six feet.

Q. Did you make any outcry about it? A. I was told if I made any more unnecessary trouble my head would be carried off.

Q. Who told you that? A. The Democratic watcher.

Q. Where was the policeman when that was said? A. He was within about hearing distance.

Q. Did he make any move to protect you in any way? A. None whatever; I was told afterwards that I was lucky to get off with my head on.

Q. Confine yourself to what took place in the presence of the police; is that all there is of that instance? A. Well, there was another instance; I saw the Democratic watcher go deliberately in the booth.

Mr. Nicoll.—I understand you, Mr. Chairman, that you did not care for those matters, unless the police were present.

The Witness.—This was pertaining to the police.

Q. Where was the policeman when this watcher went into the booth? A. He was standing along side of me, and said, "This is more than I can stand," and he takes this watcher and puts him outside the street; there was a complaint went over to the station-house that the policeman was inside, and he was fetched to the desk, and he was told he had no business inside, and his business was to remain outside.

Q. State what you saw yourself? A. Then the policeman came to me; he told me he heard I went over to the station-house and made a complaint; I told him it was no such thing, and I did not make any complaint, and that was done, and they wanted to shove the blame on me.

Q. Never mind as to that; the policeman came back from the station-house? A. Yes, sir; and he was told to remain on the outside.

Q. How do you know he was told that? A. Because he told me; the policeman told me afterwards about the complaint, that it was made by me, and he was not allowed to go in the polling place any more.

Q. Anything else? A. Well, no; that is about all.

Cross-examination by Mr. Nicoll:

Q. Do I understand you to say that you, on arriving at the polls in the morning, you saw a number of people standing in the line ready to vote? A. Yes, sir; not exactly at that time; but between that time and half-past seven; I saw a line formed, at the very lowest 40 men.

Q. And among those 40 men was one man whom you thought had not the right to vote? A. A man whose right I questioned.

Q. You questioned his right; do you mean to say you picked this man out in the middle of the line and notified him that you would have him arrested in case he attempted to vote? A. Yes, sir.

Q. What was your position on that day, a watcher? A. A watcher.

Q. Don't you know what the law is in regard to the matter of challenging men? A. I cautioned that man.

Q. Don't you know when you have the right to challenge a man under the election laws? A. When he votes.

Q. You understand, don't you, that the proper time for challenging the man is when he comes up to vote, about the time his ballots ought to be given? A. That is what the law says.

Q. You know that provision of the law, don't you; don't you know you were doing an entirely irregular thing in notifying a man in advance, as he stood in line with 40 others, that you were going to have him arrested? A. No, sir, last year was an exceptional year in regard to voting.

Q. So you made a law for that year for yourself, did you? A. No, not exactly.

Charles H. Murray, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 25 Madison avenue.

Q. What is your business? A. Lawyer.

Q. In what Assembly district did you vote last fall? A. In the Eleventh.

Q. And in what Assembly district did you spend your time in the main? A. In the Third.

Q. What was your official relation to the Third Assembly district? A. I am the Republican leader in the Third Assembly district.

Q. And as such had charge of the Republican interests on last election day? A. Yes, sir.

Q. Did you visit the various polling places on that day? A. I did.

Q. In company with whom? A. First by myself, and then in company with John Sabine Smith, the president of the Republican county committee.

Q. You may tell the committee what you saw that day in regard to the conduct of the police? A. I left my house in the morning quite early to drive to the Third Assembly district; I visited a number of the polling places of the Third Assembly district, and found the Republican watchers of the Third Assembly district were excluded from within the guard-rail; I went to police headquarters and saw Mr. McClave; Mr. McClave, and myself, and Mr. Superintendent Byrnes were there; Mr. Byrnes told me that he would see that the law was impartially executed, and if I had any complaint of any specific election he wished I should designate it; I told him that I had no specific complaint against any one election district, but against every election district of the entire Third Assembly; he thereupon called Inspector Williams and told the inspector that he wished him to go through the entire Assembly district; I had no sooner left the superintendent's office and reached the stoop of the police headquarters than I met a young man who said he was a Republican watcher in the thirty-fifth election district, I think, of the Third Assembly, and he had been thrown out of that election district, I went back with him to Superintendent Byrnes, and he called Inspector McAvoy, I think, to rectify that case; then I went through my election district, and on the way I met Mr. Smith.

Q. Mr. John Sabin Smith? A. Mr. John Sabin Smith; he left his cab and got into mine, and we went to the Assembly district together; we found that the watchers were excluded from behind the guard-rail; that electioneering was going on in the polling places, and there were a number of officers that we complained to—

Q. Police officers? A. Police officers—for the violation of the law in excluding the Republican watchers from within the

guard-rail; during that time the most flagrant abuses, I made a memoranda of certain officers who refused to heed our demand to place Republican watchers within the guard-rail, and after which refusal we went to police headquarters to see Inspector Byrnes again, and he started another—or one of the police inspectors down to the election district complained of to investigate the complaint.

Q. Which were those cases; what cases were they you reported? A. There was in the thirty-sixth election district of the Third Assembly district a Republican watcher so excluded from within the guard-rail; Mr. Smith and myself demanded that he should be placed within the guard-rail.

Q. What policeman was that? A. Policeman 1165.

Q. What, if anything, did he do or say in response to that demand? A. The Democratic chairman of the board refused to permit our watcher to go within the guard-rail; the guard-rail was open, and the police officer said that if he went within the guard-rail he would put him out; the guard-rail was open, and the Republican watcher went within the guard-rail; this policeman stepped behind the man and pushed him from within the guard-rail; I went after that to police headquarters again and Superintendent Byrnes detailed Inspector McAvoy, I think; Inspector McAvoy drove to that election district, and told the officer that he wished him to do his duty.

Q. Were you there when he came there? A. I was there when he went there; I followed him in my cab; thereupon, the Democratic inspector of election protested, and Inspector McAvoy told him he wished to hear nothing from him, that this officer must do his duty; another case—

Q. Did you leave then? A. I left then.

Q. Very well. A. Another case was in the twenty-sixth election district; there were two police officers, Nos. 2658 and 2727, I think, were the numbers; they refused admission to the Republican watcher.

Q. And what did you say or do to them? A. We insisted that the Republican watcher had a right under the law to stand within the guard-rail, and they refused; we went at once to police headquarters and Inspector Byrnes or Superintendent Byrnes sent down another inspector.

Q. Did you follow him back? A. I think we did.

Q. What took place after you returned to this election district? A. And then I think that the watcher was placed within the guard-rail.

Q. The superintendent's instructions were obeyed then? A. They were obeyed when the inspector was there.

Q. Did you remain there after the inspector went away? A. No, I was too busy to remain.

Q. Did you go back there again afterward? A. I don't think I did.

Q. Did you go back to any of these places where the inspector had come and put the watcher behind the rail, so that you learned whether he remained behind the rail or not? A. Not from my own knowledge that I recall, I think there was one case from my own knowledge that I recall, I think there was one case that I went to, which was in the afternoon, and we insisted upon the Republican inspector being placed behind the guard-rail.

Q. Republican watcher, you mean? A. Yes, being placed behind the guard rail; that was refused, and the police precinct and the tenth was on the opposite side of the street, and they sent over for Captain Creeden; Captain Creeden came over, and he said he could not interfere with the matter, that he would rest it with the board of inspectors, of election; I said I have no time to argue the matter; I only want to know if the Republican watcher is not to be placed within the guard-rail, for I have been to see the superintendent of police previously during the day a number of times, and he has assured me that he would enforce the law; I then asked if Inspector Williams had been there, and they told me had; as I was getting into my cab a man, who I was told was the Tammany captain of that election district, whose name I do not know, said, "All right, we will permit the Republican watcher to come within the guard-rail;" he then went behind the guard-rail.

Q. And then Captain Creeden went back, I suppose? A. Captain Creeden then retired.

Q. Any other cases within your knowledge? A. Well, there were a number of other cases; there were only a few of the cases of the numbers of the officers I took; one was in the twenty-fifth election district, officer No. 1027.

Q. And what was it he did or said? A. I don't recall specifically, Mr. Sutherland; in the fourteenth election district, officer No. 1959—I do not recall specifically what he did, except that the watcher was in each of these instances excluded from the guard-rail.

Q. And that fact was apparent to the policemen? A. Undoubtedly.

Q. He was where he could see? A. Why, he was present; in eighth election district, officer No. 1437; those were the specific cases that I noted down; what I have said refers to the whole Assembly district.

Q. Is there any other circumstance now that you have not detailed that you wish to give the committee? A. I think that is the main evidence within my own specific knowledge, Mr.

Sutherland; of course the other reports which I have are simply hearsay evidence.

Cross-examination by Mr. Nicoll:

Q. You were the Republican candidate for district attorney?

A. I was the Republican candidate for district attorney.

By Senator Cantor:

Q. You did not live in the Third Assembly district? A. No.

Q. You live in the Eleventh. A. Yes.

By Chairman Lexow:

Q. Were any of these policemen who refused to go inside the guard-rail disciplined? A. Disciplined? not that I know of.

Q. When the inspectors came down there and saw these policemen were acquiescing in a violation of the law, did they make charges against the policemen? A. I don't know, sir.

Q. Did they remove the policemen from the polling place? A. Not to my knowledge.

Q. Did they not attempt to put any other policemen in the place of those men who had been acquiescing in the violation of the law? A. Not to my knowledge.

The Chairman.—That is all.

By Senator Bradley:

Q. You said in your direct examination that you met a young man on the street who said that he was ejected from the polling place—a Republican watcher? A. Yes, sir.

Q. Did he say, or specify to you who ejected him? A. He specified to me that he was a Republican watcher sent down by the Republican Club, upon my application, to watch the poll; and that he had been thrown bodily from the polling place by the Tammany men.

Q. Not by the policemen? A. Not by the policemen.

By Senator Cantor:

Q. Did you have a Republican district captain in charge of the election district? A. Certainly.

Q. All of them? A. All of the polls.

Q. And Republican inspectors? A. Unfortunately, the Republican party had but one inspector.

Q. But they were named by you for your district? A. They were named by myself.

Q. All the Republican inspectors? A. They were named by the organization of the Third Assembly district.

Q. Through you? A. Yes, sir.

By Senator Bradley:

Q. Did this young man claim he claimed police protection and did not receive it? A. I do not recall, Mr. Bradley, what he did say.

By Mr Sutherland:

Q. There was no question that the police did interfere for his protection? A. Not at all; otherwise, he would not have come up to police headquarters.

Mr. Sutherland.—Two of Mr. Kempner's witnesses I would like to call now.

Lewis Cort, called as a witness on behalf of the committee, was duly sworn, and testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. No. 317 Fifth street.

Q. Is that your place of business? A. Yes, sir.

Q. Did you live there last fall? A. Yes, sir.

Q. Was that within the Assembly district where Mr. Kempner was a candidate? A. Yes, sir.

Q. Do you know Mr. Otto Kempner? A. Yes, sir.

Q. Did you have his lithograph displayed in your window? A. That is what I heard; I was not home at the time, but when I came home I heard —

Q. Were you there when the lithograph was taken down? A. No, sir.

Q. Did you have any talk with any of the officers about it? A. No.

Q. Did your son have any talk with the officers about it? A. Yes.

Q. Where were you at that time? A. I was not in when I heard the officer was in; I was outside in the yard.

Q. Who was the officer? A. I don't know the officer; I did not see him.

Q. Did you hear what he said to your son? A. No, sir.

Q. Did you hear what your son said to him? A. He called him outside.

Q. Did you hear the talk? A. No, sir.

Q. What did this officer say to your son ?

Senator Cantor.—I object; this man did not hear anything.

A. I could not hear him.

Mr. Sutherland.—That is all, then; we should have subpoenaed the son.

Q. What is your son's name ? A. Christian.

Julius Stollmeyer, being duly called as a witness on behalf of the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside ? A. Two hundred and twenty-five East Seventh street.

Q. Did you live there last fall ? A. Yes, sir.

Q. Where is your store ? A. Four hundred and five East Fifth street.

Q. Is that within the Assembly district where Mr. Kempner was a candidate last fall ? A. Yes, sir.

Q. Do you know Mr. Kempner ? A. Yes, sir.

Q. Did you have his lithograph in your window ? A. I did.

Q. For how long were his lithographs hanging there ? A. I would not state any definite time; it might have been a week or two weeks, or it might have been a month.

Q. Were they taken down finally ? A. No, sir.

Q. Did anybody come into your place to talk about there being taken down ? A. Yes, sir.

Q. Who were they ? A. I could not say who they were.

Q. Was Mr. Kempner there at that time ? A. He was there at the time, standing behind the two men who came in the store.

Q. And he was there when they came out ? A. Yes, sir.

Mr. Sutherland.—That is the instance that Mr. Kempner testified to; he identified those men.

Q. What did the men say to you ? A. They said to me that they wished me to remove the lithograph of Mr. Kempner out of the window, and I told them they would have to wait until the boss came home, because I have a partner, and Mr. Kempner stood there behind these men, and I did not want to insult him or the men, because I did not know who they were, and that was all that was said at the time; so they went out and we did not remove it; we kept it there, and that is all that I know so far as the lithographs are concerned.

Q. Did you ever see them again ? A. No, sir.

Q. Did Mr. Kempner come right in, after they went out ? A. Yes, sir.

Q. And he talked to you about it ? A. Yes, sir.

Q. Mr. Kempner then inquired of you what those men were asking of you? A. Yes, sir.

By Senator Cantor:

Q. What is your business? A. Commission business; butter and eggs.

Cross-examination waived.

Adam Reinhardt, called on behalf of the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Can you talk English well? A. Not much; will you give me a man who can speak English?

Chairman Lexow.—Will Mr. Kempner act as interpreter for this witness?

Mr. Nicoll.—He has been sworn already as an interpreter.

Q. (Examined through the interpreter, Mr. Kempner.) Where do you reside? A. Two hundred and seventy-two Rivington street.

Q. What is your business? A. Shoemaker.

Q. Where did you vote last fall? A. Sixty-eight Columbia street.

Q. In what election district is that? A. I have forgotten that.

Q. Did you see a policeman there? A. Yes, sir.

Q. What did he do? A. When I got my ballots I went into my booth, and the policeman came in with me; he took out one of the ballots and told me to vote that; I looked at it and saw the name of Maynard on the ballot, and I said, "No; I will not vote the Tammany Hall ticket;" I then told him to go out of here, I can take care of the ballots myself.

Q. What else occurred? A. Three times I told him to go out, but he refused to go, and I threw the ballots at his feet; then I said to him, "Here, we are deprived of our liberties through you," and they laughed at me.

Q. What else did you do? A. As I went out in the street a man came after me, and told me to come in and vote as there would be considerable trouble; I said, "Not more this year; that I won't do;" I told him, "I will go, to-morrow, to the commissioners and make complaint against the policeman," and he laughed at me; that is all.

Q. Did you vote? A. No.

By Senator Saxton:

Q. Did you make any complaint to the commissioners? A. No; a man told me to keep quiet, as there would be other complaints made by others.

Cross-examination by Mr. Nicoll:

Q. Who told you that? A. A man by the name of Bierman.

Q. Did you make any complaint to the captain at the police station-house? A. No.

Q. Why did you not vote? A. Because the policeman wanted me to vote the Tammany ticket, and I did not want to vote it.

Q. You were sent for to come back and vote; why didn't you go back and vote? A. Because they said they would get into big trouble, and I said I wanted them to get into big trouble.

By Mr. Sutherland:

Q. What was the name of this policeman? A. Mulligan.

Lewis Berger, called on behalf of the committee, duly sworn, testified as follows (through Interpreter Kempner):

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Eighty-nine Columbia street.

Q. Where did you vote last fall? A. Sixty-eight Columbia street.

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

Q. Do you vote at the same place with Mr. Reinhardt? A. I don't know where Mr. Reinhardt voted, and I don't know him.

Q. You saw a policeman there; did you? A. Yes, sir.

Q. What did he do? A. He came in with me into the room.

By Chairman Lexow:

Q. What do you mean by that; do you mean the booth? A. In the polling place.

By Mr. Sutherland:

Q. Did he go into the booth with you? A. Yes, sir.

Q. Did you ask him in? A. No, sir; I was entirely surprised.

Q. What was said or done? A. He took the things and laid them together and I felt very bad.

Q. What things did he taken and lay together? A. These papers that are used for the election.

Q. The police took them out of your hand? A. He took them from me, folded them, and gave me the one that was to be used.

Q. What did he say when he did that? A. Nothing; that you should put these in this hand and those in that hand and give them to the man.

Q. Have you ever seen this policeman before? A. I will tell you how it is; I go early to work and come home late —

Q. Can you describe him to me in any way? A. No; I can not.

Q. What is your business? A. I have been tailoring, but now I have a sausage business.

By Senator Saxton:

Q. What was the hour when you voted? A. In the morning.

Q. What hour in the morning? A. I can not tell exactly.

Q. About what time? A. It can possibly be 8 o'clock; exactly, I can not tell.

By Chairman Lexow:

Q. Was the same policeman that you see on the beat usually the one that was there that day? A. I bother very little about those people; I am 13 years here, and I have never been to such a place.

Cross-examined by Mr. Nicoll:

Q. Did you ever vote before? A. I did.

Q. Did you ever vote under the new ballot law before? A. Yes, sir.

Q. When? A. A few times.

Q. When before November, 1893? A. Every time there was an election; I always voted.

Q. Did you ever receive any instruction prior to election day as to how to fold your ballots? A. No.

Q. Did you know how to fold your ballot? A. The first time I was told; and so I know.

Q. Who told you? A. Mr. Seelig.

Q. On the morning in question were there voters at the polls at the time you arrived there? A. Yes, sir; there were several.

Q. Where was the policeman, when you passed through the guard-rail? A. He was entirely inside, and I came, he opened the door for me, and went in with me.

Q. That is manifestly impossible; where was the policeman when you passed through the guard-rail towards the ballot clerk? A. He was by the polling booths, and as I came, he opened the door of the polling booth and went in with me.

Q. Did you give him your ballots? A. He gave them to me.

Q. Did you not receive your ballots from the ballot clerk? A. Yes, sir; I got them, but then he took them and folded them together; I felt very bad; I was sick; I was feeling bad, and I was entirely surprised when he came in with me.

Q. Did the ballot clerk give you your ballots? A. He did.

Q. Did you give them to the policeman? A. I went into the balloting place and he came in after me and took the ballots from me and folded them.

Q. Could you not fold them? A. He folded them, and I folded them.

Q. Could not you fold them yourself? A. I could also fold them myself; but he came in and I was feeling bad, but I was very much surprised.

Q. Were you feeling so badly that you could not fold your ballots? A. I was.

By Senator Saxton:

Q. Did you ask the election officer to assist you or for anybody to assist you in the booth? A. I asked no one.

Q. Did you say anything to the policeman at all, before you got in the booth? A. Not a thing.

Q. Did you go in the booth first with your tickets? A. He opened the door for me; I went in, and he came in after me.

Q. Had anything been said up to that time, between you and the policeman at all? A. He said to me, "Take these in this hand and take the other six in the other hand;" I could have folded them myself slowly.

Q. Did you ask the policeman, after you were in the booth, to come and fold the ballots for you? A. No, sir.

Q. Did the policeman ask you to give the ballots over to him? A. No.

Q. Then you say the policeman took the ballots out of your hand without saying anything to you? A. Yes, sir.

By Chairman Lexow:

Q. Did the policeman tell you which ballot to vote? A. No, simply folded them and told me, "That you give up and that you take in the other hand."

Q. Were you feeling badly, because the policeman followed you into the booth.

Senator Cantor.—I object; are you trying to make the witness testify the way you want him to?

Q. Why were you feeling badly? A. Excuse me; that is no question.

By Senator O'Connor:

Q. Did you at any time wish for assistance? A. No, never.

By Mr. Nicoll:

Q. Were you ill physically or simply downhearted because of

the policeman's action? A. I had a little headache; I suffer from headache.

Mr. Sutherland.—The witness is doubtless explaining why he did not resent this intrusion.

By Senator Cantor:

Q. Do you read English? A. No, sir.

Q. Did you read any one of the ballots handed to you by the ballot clerk? A. So much, I know.

Q. Did you read the ballots that were folded and put into the box? A. I did.

Q. And that was the ticket that you wanted to vote? A. No, it was not.

By Senator Saxton:

Q. Do you know the names on the ballots so that you knew what ballot you wanted to vote? A. I can not distinctly recollect.

Q. I ask you if you knew them, at that time, so that you knew what ballot you wanted to vote? A. I could distinguish the ballot that I wanted to vote.

Mr. Nicoll.—Were you in Mr. Kempner's district?

Mr. Kempner.—No; he was not.

Adam Reinhardt, recalled.

By Mr. Sutherland:

Q. What was the street and number of the place where you voted? A. No. 68 Columbia street.

Senator Saxton.—This witness voted at the same place with Mr. Reinhardt?

Mr. Sutherland.—Yes.

By Senator Saxton:

Q. What hour in the morning did you vote? A. I voted in the afternoon at about 3 o'clock.

Senator Saxton.—He has stated the name of the policeman.

Mr. Sutherland.—Yes, he gave it as Mulligan; I have now identified the polling place as the same place where the last witness voted.

August Adel, called on behalf of the committee, duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 216 East Seventy-seventh street.

Q. How long have you lived there? A. I have lived there now two months or more.

Q. Where did you live last fall? A. In No. 1334 Third avenue.

Q. In what election district did you vote last fall? A. The last election, do you mean?

Q. Yes. A. In the Twenty-second Assembly; the eleventh election district.

Q. Did you have any official relations to that election? A. I did; I was a watcher.

Q. You were what was called the Republican captain? A. I was acting as Republican captain.

Q. In that capacity did you visit more than one election place? A. I did.

Q. What did you observe in regard to the conduct of the policeman at your own election precinct, if anything? A. I have nothing to say about that.

Q. It was in which one? A. In the sixth election district.

Q. When did you go there? A. In the afternoon about 3 o'clock.

Q. What did you observe, if anything, in regard to the conduct of the police there? A. I went in and they fired me out.

Q. Did you have your certificate as a watcher with you? A. Yes, sir.

Q. Did you exhibit it? A. I did.

Q. What was going on when you went in? A. I was taken in as a witness on a case of a deaf and dumb man, that they claimed had no right to vote.

Q. And this deaf and dumb man—had his residence been burned or what was it in reference to him? A. A day or two before election, they moved him from one house to the next house; the party that he worked for has four houses, and he has to take care of the four houses, and he sleeps in those floors that are not rented.

Q. So that when he came to respond to his place of residence; it was not the same number as he had registered from? A. Yes, sir; he didn't register from that place; he was registered before.

Q. Then there was a dispute about his right to vote? A. Yes, sir.

By Mr. Nicoll:

Q. Was this at the special election? A. Yes, sir.

Q. You mean the election last January? A. Yes, sir.

By Mr. Sutherland:

Q. Then the dispute arose about this man's right to vote and you were sent for as the Republican watcher? A. Yes, sir.

- Q. And you went in? A. Yes, sir.
- Q. Who did you address when you went in? A. The chairman of the board; I told him I thought the man had a right to vote.
- Q. What else was said? A. The policeman caught hold of me and put me out of the door.
- Q. Do you know his number? A. I do not; I have got it somewhere; I have been hunting for it, but I have not found it yet.
- Q. Do you know the name of the policemen? A. No, sir.
- Q. Do you recall his number? A. I do not; I think I have it on a book somewhere, but I have not had time to look for the book to find it.
- Q. Did you remonstrate with the policeman? A. I did; I told him he had no right to put me out, and that I was a watcher and I showed him my certificate to prove it.
- Q. You finally went back there again? A. He was no sooner in than I was in too.
- Q. You followed him right back? A. Yes, sir.
- Q. Who went in with you? A. Mr. Page.
- Q. Who was Mr. Page? A. He ran for the Assembly, the election before last; last fall.
- Q. Was he a watcher on this election? A. He was, and there was somebody else; I do not remember who he was.
- Q. And you had been sent for from the place where you were, to come down and assist in this difficulty? A. Yes, sir.
- Q. There is another circumstance, I believe, that you have to relate, is there not? A. Yes, sir; that was last fall.
- Q. Where was that? A. In the Twenty-second Assembly; the tenth election district.
- Q. What occurred there? A. They were giving pasters and everything right around the door, and inside at the railing, and in going in the booth with men.
- Q. Who was this "they"? A. The Democratic workers and watchers.
- Q. Where were the policemen when this was going on? A. Sitting inside the room.
- Q. Where they could see what was going on? A. Yes, sir.
- Q. Did you protest to the policemen against it? A. Yes, sir.
- Q. What did they do? A. They said nothing.
- Q. Did they do anything? A. No, sir.
- Q. You say while you stood there you saw pasters given out?
A. Yes, sir.
- Q. And put into the booths? A. I saw them put over the top of the booth.
- Q. And you saw workers go inside of the booths? A. Yes, sir; and I called the attention of the policeman to it.

Q. Can you tell the names or the numbers of either of those policemen? A. I can not.

Q. But this was the last fall election? A. Yes, sir; last fall.

Q. And this was in what district? A. The tenth election district of the Twenty-second Assembly.

Mr. Sutherland.—The police records, no doubt, will show who those officers were.

Q. What time in the day was this that you saw this occurrence last fall? A. In the tenth election district; it was in the morning between 10 and 11 o'clock.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. I am a truckman.

Q. For whom? A. J. Lathan.

Q. What is his business? A. He has trucks.

Q. You are one of his drivers? A. Yes, sir.

Q. How long have you been with him? A. About three weeks or a little over.

Q. Prior to that time, what was your business? A. I am a housesmith.

Q. A housesmith? A. Yes, sir.

Q. What does that business consist of? A. Iron work in the building, putting up the iron work in fireproof buildings.

Q. You work on iron buildings? A. Yes, sir; and bridge buildings.

Q. How long have you been engaged in that business? A. For about four years.

Q. Where? A. Around New York and out through the country in different States, putting up bridges.

Q. What was your business prior to that? A. My business prior to that was in Texas.

Q. What was it there? A. I was constable and deputy sheriff in the State of Texas.

Q. You were constable and deputy sheriff in the State of Texas? A. Yes, sir.

Q. Is that your home? A. No, sir; New York is my home; I was born in New York.

Q. How long were you a resident of the State of Texas? A. I was there about 15 years.

Q. In what part of Texas was you? A. On the western frontier, around Fort Clark and El Paso.

Q. What were you doing there? A. Different things; I went there as a soldier when I was a boy.

Q. And you remained there? A. I remained there for 15 years;

I soldiered five years, and I thought I had enough; and then I went to work.

Q. Were you in the Union Army? A. I was.

Q. Did you serve until peace was declared? A. I did; there was no war at the time, only Indian wars.

Q. You were not in the civil war, then? A. No; I was in the regular army, the Fourth United States Cavalry.

Q. But you were not in the civil war? A. No, sir; I don't remember much about the civil war.

Q. After you had served in the army you remained a resident of the State of Texas? A. Yes, sir.

Q. And you went into politics there? A. No, sir; I did not.

Q. You were elected a deputy sheriff? A. Yes, sir.

Q. Then were you not in politics? A. I never moved my hand in politics in Texas.

Q. Did the office seek the man in that case? A. It did there.

Q. What were your politics then, Republican? A. I have always been a Republican.

Q. How long did you remain deputy sheriff in Texas? A. I guess I was deputy sheriff four or five years.

Q. What was the name of the place where you were deputy sheriff? A. Fort Davis, Texas.

Q. What county is that in? A. Jeff Davis county—it is Republican, though.

Q. Republican county? A. Yes, sir.

Q. You came to New York in what year? A. I don't remember.

Q. Can you recollect about what year? A. No, sir; I can not; I think it was about five years ago, when I came back to New York.

Q. Did you come straight from Texas? A. Yes, sir.

Q. Did you have any trouble in Texas? A. In what way?

Q. With a man? A. Oh, yes; I have had a little trouble with men.

Mr. Sutherland.—He has arrested men.

Q. Did you arrest men? A. Yes, sir.

Q. Were you ever arrested? A. No, sir.

Q. When you arrived in New York, what business did you go into? A. I went right into the iron work with my brother-in-law.

Q. As soon as you got here? A. Yes, sir.

Q. And since you arrived here, have you been more or less active in politics? A. Only in the last couple of years, or a year and a half.

Q. You were a watcher for some particular election district, were you not? A. Yes, sir.

Q. And you had your certificate as a watcher for a certain election district? A. Yes, sir; for the last fall election; for the tenth election district.

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

Q. You were not a watcher in the election district where the deaf and dumb men attempted to vote, were you? A. No, sir; that was this last election; that was not last fall.

Q. Were you a watcher for the special election, too? A. I was a watcher for the special election.

Q. For what district? A. For the eleventh district.

Q. Was that the place where the deaf and dumb man was? A. No; that was in the sixth, one block below.

Q. You had no right there, as a watcher, in the eleventh district, had you? A. Yes, sir; I was a watcher in the eleventh election district.

Q. In what election district were you a watcher in the fall election? A. That was in the tenth.

Q. You spoke of a number of things going on in the tenth election district? A. Yes, sir.

Q. Was there a Republican inspector there? A. Yes, sir.

Q. Who was he? A. I think his name was Fountain.

Q. Was he not selected by your organization in that district?

A. That is a hard question to answer; there was a sort of a split up there at that time.

Mr. Nicoll.—Well, I must not go into that; I will stop right there on that, and take up something else.

Q. What was the name of the Tammany Hall inspector in that district? A. I don't know his name.

Q. There were two Democratic inspectors, were there not? A. I don't know; I believe there was.

Q. Were they both members of the same Democratic organization or of some Democratic faction? A. No, I don't know.

Harry Cunningham, a witness called on behalf of the committee, duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 41 Spring street.

Q. Did you reside there last fall? A. Yes, sir.

Q. Where did you vote? A. No. 44 Prince street.

Q. What election district is that and what Assembly district?

A. The Third Assembly, the thirty-first election district.

Q. Did you have any official connection with that election? A. Yes, sir; was captain and watcher.

Q. State what you saw in regard to the conduct of the police on that day? A. On that day I had a man arrested for illegal registry and attempting to vote, and Senator Sullivan came into the polling place with several others and caught me by the collar of the coat and pulled me outside of the guard-rail.

Q. Where was the policeman at that time? A. I suppose he did not want to see it.

Q. Where was he? A. I did not notice any policeman, but I noticed there was a ward detective there, but he did not take any part to protect me.

Q. Where was he? A. In the polling place.

Q. How far from you? A. About as far as I am from you.

Q. About 15 feet from you? A. About that.

Q. You say you did not see the policeman? A. No, sir.

Q. Did anything happen while the policeman was there that you saw? A. When they got me outside the guard-rail they pushed me out into the street, and Senator Sullivan said to me, "If I wasn't running for Senator I would" do so and so.

Q. Who said that? A. Timothy D. Sullivan; that he would do so and so, and so Flury Sullivan and several others got at me and gave me a severe beating.

Q. Where was the policeman? A. I suppose one was inside.

Q. Did you see any policeman there? A. No, sir.

Q. Did you make any outcry? A. I went to headquarters and they sent me to the police station, and they sent a policeman back with me; they took a bag of pasters that I had and threw them in the gutter; and broke my hat, and Flury Sullivan was going in and out all day, bringing men in and going in the booth with them.

Q. Did you remain in there the rest of the day? A. Yes, sir; after the policeman brought me back.

Q. After the policeman brought you back; did he stay there or did some other policeman stay there? A. He brought me back and then he went back to the station-house, and the other policeman was there.

Q. Was there another policeman there after you went back? A. Yes, sir.

Q. More than one? A. Only about one.

Q. Did that one policeman stay there the rest of the day? A. Until after the counting was over.

Q. Did he see these men crowding around there that you have described; what was he doing; you say after you came back—what was done then? A. I did not say anything then; after I had this man arrested Senator Sullivan and several others came inside and pulled me outside of the guard-rail and shoved me

into the street, and during all that time there was one of the ward detectives present, but he did not offer me any protection.

Q. But you say when the policeman came back with you from the station; what was done then? A. I went to the station house to make a complaint, and they sent a policeman back to the polling place, and he put me there.

Q. What happened after you got back? A. I don't know.

Q. Did you see men in there, electioneering after that? A. I saw Flury Sullivan going in and out of the booth with the men all the time.

Q. Was the policeman there at that time? A. Yes, sir.

Q. Did he stop it in any way? A. No, sir.

Q. Was he where he could see it? A. Yes, sir; and one of these polling clerks objected to this Flury Sullivan doing this and he told him if he didn't shut up he would knock his head off.

Q. Who said that? A. Flury Sullivan.

Q. What did the policeman do or say? A. He did not say nothing; I suppose he was in with the rest of them.

Mr. Nicoll.—I move to strike out the last remark of the witness.

Chairman Lexow.—Yes, strike it out.

Q. Was there anything else that you saw in regard to the police? A. That is all.

Cross-examination by Mr. Nicoll:

Q. Do you know Flury Sullivan? A. I know him by sight, but not to speak to him.

Q. Do you know any of the Sullivans? A. I know Timothy D. Sullivan by sight; I don't know none of them personally.

Q. Timothy D. is the Tammany Hall leader in that district, is he not? A. Yes, sir.

Q. Who is the Republican leader? A. Mr. Murray.

Q. The witness who has preceded you upon the stand this morning? A. Yes, sir.

Q. Are you one of Mr. Murray's captains? A. I am captain of the district; at that time I was.

Q. At that time, were you one of the Republican captains in the district? A. Yes, sir.

Q. How long have you lived in the district? A. About three years in the election district.

Q. How long have you lived in the Assembly district? A. Seven or eight years.

Q. During that time have you frequently acted as an election officer? A. I acted during the presidential election as United States marshal.

- Q. In the presidential election of 1892? A. Yes, sir.
- Q. You were then United States marshal? A. Yes, sir.
- Q. Prior to that time had you ever been an election officer?
- A. Yes, sir; I was a watcher before.
- Q. Watcher for the Republican party in that district? A. Yes, sir.
- Q. Have you ever held any office? A. No, sir.
- Q. Ever been a candidate for office? A. No, sir.
- Q. Ever a candidate for the police force? A. No, sir.
- Q. What is your business? A. I am generally a peddler, but I am not doing anything now.
- Q. What is your business when you are doing something? A. Peddling hardware.
- Q. For what concern? A. For myself.
- Q. You mean to say you buy and sell hardware? A. Yes, sir.
- Q. Why are you not doing anything now? A. I have not got no money.
- Q. Your capital is depleted? A. Yes, sir.
- Q. Where are you employed now? A. I am not employed at all.
- Q. Are you not in any occupation at all? A. No, sir; I am living home.
- Q. When were you last doing any business? A. About a month or so ago.
- Q. Have you no trade? A. No, sir.
- Q. You were not brought up to a trade? A. No, sir; I was learning a trade, but did not follow it up.
- Q. What trade were you learning? A. Copper and tinsmith.
- Q. When did you start out with that? A. Three or four years ago.
- Q. You are not engaged in any trade now? A. No, sir.
- Q. And the business of dealing in hardware is all you do? A. Peddling; buying job lots.
- Q. You have not the means to conduct that now? A. Not at present; no, sir.
- Q. Have you ever had any trouble with the police? A. No, sir.
- Q. You had no trouble in your district with the police? A. No, sir.
- Q. None whatever? A. No, sir.

Richard S. Harvey, called on behalf of the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

- Q. Where do you reside? A. Nyack, Rockland county.

Q. Where did you reside last fall? A. Well, I have resided there for three years past.

Q. You were in New York on election day? A. I was in New York on election day at the Congressional election, about four years ago.

Q. In what capacity did you act? A. I acted as watcher for the Independent Democratic candidate, who was running against Congressman Dunphy in his district.

Q. In what election district? A. This was in Oak street; near Chatham square.

Q. You do not recollect the number? A. No, sir.

Q. What did you see in regard to the conduct of the police on that occasion? A. I received my regular certificate as watcher, and I arrived there about 7 in the morning.

By Mr. Nicoll:

Q. When was this; what year; in 1886? A. 1888 or 1889.

Q. The Presidential election? A. The Congressional election, the time that Congressman Dunphy ran; it must have been 1890; I think it was the year before I left New York; which was, I think, in 1889 or 1890.

Q. Very well, I will get that later; you can proceed? A. I arrived there about 7 o'clock and nothing unusual took place until about 9 or 10 o'clock; I then saw a voter go into the booth with a person to assist him to cast his ballot, and it occurred to me that there was nothing the matter with the voter, and I made a formal protest and objection to the officers and said that I could not see any reason for sending anyone in with him to vote, and they said that the man was blind; I then replied that the man had come to the polling place without anyone to assist him and it seemed to me the way the man made his way about that he could not be blind; they, however, overruled my objection and allowed the man to vote with assistance.

Q. Did you make any challenge to the vote? A. I did at the time, and it was entered on the books; I afterwards objected to another occurrence of that kind, and I was forcibly ejected from the polling place.

By Mr. Sutherland:

Q. By whom were you ejected? A. The friends of the regular Democratic watcher there.

Q. Where was the policeman at that time? A. He was standing on the sidewalk just outside of the polling place.

Q. Where he could see this occurrence? A. Yes, sir; I was

thrown across Oak street three or four times, and had a lively sense that I was about to be killed or sent to the hospital; as a matter of fact, however, I was not much injured, but considerably shaken up at the end of this time; I was somewhat dazed as well as shaken up; I landed after this operation in gymnastics about two feet away from the policeman, and I appealed to him and said that I was a regular watcher and had my credentials in my pocket, which I offered to show him, and appealed to him for protection, whereupon he turned and marched away.

Q. Was there anything else that occurred at that time? A. I remained there until about 4 o'clock in the afternoon; I considered that as intimation enough to make no further outward objections; I however made a list of 12 or 15 voters who seemed to me illegal; in case that the election should be a close one, I would report their names as persons illegally voting, whose vote could be questioned; that opportunity, however, did not rise, as the majority was overwhelming.

Q. After this assault upon you, you made no further protest? A. No, sir; I did not feel inclined to do so.

Cross-examination by Mr. Nicoll:

Q. There was a large majority in the district? A. Yes, sir; it was overwhelming.

Q. Was this experience the cause of your leaving New York? A. No; I had business; I saw a desirable opening as an attorney, and I moved into the suburbs, where I had lived for 15 years in the summer time.

Q. Then you moved to Nyack? A. Yes, sir.

Q. Who is the Senator from that district? A. Senator Lexow.

Q. The chairman of this committee? A. He is.

Q. You and Senator Lexow sat up nights and told this story to each other? A. No, sir; I was very much surprised to see a subpoena; I did not know how Senator Lexow got word of this fact; it was a great surprise to me when I saw a subpoena; I had no expectation whatever of being a witness in this matter.

Q. But you did tell, I suppose, the story to Mr. Lexow, as one attorney to another before that? A. I regarded it as an interesting incident.

Q. Yes; so it is; can you tell us about what year this happened? A. I think it was in 1890; I have been three years in Rockland county; and I think it was the year before I left the city.

Q. I wish you would be as exact as you can about this; you

must be able to tell us exactly what year it was with a moment's reflection.

Mr. Sutherland.—He has told you the candidate for election.

A. I think the committee can take official cognizance of the Congressional election.

Mr. Sutherland.—It could not have been in 1889; it must have been in 1890.

Q. Was it before or after the passage of the McKinley bill?

A. I think it was the first year in which the blanket paster ballot was used.

By Senator Saxton:

Q. Was it the first year in which the booths were used? A. Yes, sir.

By Mr. Nicoll:

Q. That was the autumn of 1890? A. Yes, sir; I think it was the fall election of 1890.

Mr. Sutherland.—Three years ago last fall.

Q. Who was running for mayor at that time, can you recollect, in that way? A. No.

Q. Who was running for district attorney in New York at that time? A. I think you were.

Q. That is right.

Mr. Sutherland.—Did he ever prosecute those people?

The Witness.—I never called it to his attention.

Q. You would have been vindicated long before this if you had; who were the police commissioners in New York at that time? A. I can not tell you; I am not acquainted with the directory of the city of New York.

Q. I do not ask you to consult the directory of the city of New York.

Chairman Lexow.—How is that material? He has fixed the date by the fact that it was the first year of the Ballot Reform Act.

Mr. Nicoll.—I wanted to know who were the police commissioners, to see whether he made any complaint to them.

Chairman Lexow.—I think he says he did not; he made no complaint.

Q. Can you tell us who the police commissioners were? A. I can not.

Q. Did you make any complaint to the superintendent of the police? A. I made no complaint whatever in the matter.

Q. To no official? A. No.

Q. To no police official or other official? A. No, sir.

Mr. Sutherland.—I object on the ground that the witness has already answered twice clearly that he made no complaint.

Q. Why did you carry the secret to Nyack with you and tell it to no one except Senator Lexow?

Mr. Sutherland.—I object to that as being impertinent; the witness has already stated that he told it various times.

Chairman Lexow.—The question is allowed.

Q. Why did you not tell it to some of the authorities in New York city; why did you take it to Nyack and tell it only there to your Senator? A. Well, I did not know the proper routine to go through with in making a complaint; and as the candidate whom I represented at that time was so overwhelmingly defeated that I did not see any advantage to him or advantage to me, to compensate for any such loss of time; I never told Mr. Lexow of this instance so I do not know why you should ask me about having told him.

Q. You never told it to him? A. No; probably he heard it indirectly.

Mr. Sutherland.—Now have you found out why he carried his secret to Nyack.

By Senator Bradley:

Q. Do I understand you to say that you were thrown across Oak street three or four times? A. I was.

Q. Thrown across? A. Yes, sir.

Q. By whom? A. By the—I would technically describe them as the heelers which surrounded the polling place.

Q. The policemen did not touch you, did they? A. No; I wished they had touched the others.

Q. The policeman did not interfere with you? A. No, sir.

Q. You say you were not bruised or cut? A. No; I was not injured; I was more or less bruised and shaken up by the operation.

By Senator Cantor.

Q. Who was the chairman of the independent organization? A. He was the editor of the _____ Standard, the paper that advocated Henry George's doctrines at that time.

By Chairman Lexow:

Q. Do you say that the policeman was looking on, while you were being thrown from one side of the street to the other? A. Yes, sir; he stood right beside me as I was thrown.

Q. And when you finally appealed to him he turned away and walked off? A. He did not even reply to me.

Robert Corbett, called as witness on behalf of the committee, duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Five hundred and twenty two West Fifty-sixth street.

Q. Where did you vote last fall? A. In the second house from Fifty-first street and Tenth avenue; I do not remember the number; I got shaved in the barber shop there, but I do not bother about the numbers.

Q. In what Assembly district is that? A. In the Eighteenth Assembly district, and the twenty-fifth election district.

Q. Tell what you saw in regard to the conduct of the policemen at that election? A. I was captain of that district for some years; one of the Democratic workers brought in a man to vote—I called him a Tammany heeler; I don't know whether it was right or not, and he says, "Go in and get your ballot and vote;" he went in and the ballot clerk gave him his ballots and he went into the booth next to the railing and the policeman was standing to my left and this other man was standing between us; when he came out, he did not fold his ballots correct, I suppose, and this man who sent him in, takes the ballots out of his hands and unfolds it and looks at them and he says, "That is not the one to vote, go in and fold them right;" and when he got him in the booth, he got deliberately up on a chair and took a ballot out of his pocket and threw it over the booth and said, "That is the one to vote;" I put my hand on the shoulder of the policeman and said, "Arrest that man and I will make a charge against him," and he would not do it; what more could I do; that was enough.

Cross-examination by Mr. Nicoll:

Q. What was it you said about the Tammany heeler? A. I said he was a Tammany worker.

Q. Who was? A. The man who brought him in; the man who brought in this man to vote; I know him to be a Tammany heeler or a Tammany worker; I can call them either one or the other, a Tammany heeler or a Tammany worker.

Q. Which do you call them? A. Either one or the other; I do not care which; many a time I have called them both, and they called me worse many a time, too.

Q. Who was the man that the Democratic worker brought in to vote? A. I don't know who the man was; I did not know the man he brought in to vote, but I know the man who brought in the man.

Q. You know the man who brought in the man to vote? A. Yes, sir.

Q. Who was he? A. He is the man who lives in Fifty-first street; I do not care to—

Q. You do not care to mention his name? A. No, sir.

Q. The man he brought in to vote, you do not know at all? A. No, sir.

Q. He was a stranger to you? A. Yes, sir; I did not know him.

Q. Do you know anything about his condition physically? A. He seemed to be the same as you or me.

Q. That is, in pretty good physical condition? A. Yes, sir; he seemed to have his rational everywhere that a man should want.

Q. He seemed to have his rational everywhere a man should want? A. Yes, sir; he seemed to be all right.

Q. You mean to say, that he seemed to be in possession of his usual faculties and health? A. Yes, sir.

Q. Did he ask for any assistance, as a disabled voter? A. No, sir.

Q. Where were you standing? A. I was standing outside the rail alongside of this man who brought him in and the policeman and three of us.

Q. Were you a watcher? A. No, sir; I was a captain.

Q. You had no official connection with the election? A. I had no right to go in, but when the other party went in I said I would go in as well as they.

Q. Did you go inside of the guard-rail? A. No, sir.

Q. Where did you go? A. I went into the door; the guard-rail was a little ways from the door; it was opposite the guard-rail.

Q. You mean you went into the polling place? A. I went in the polling place.

Q. In the room? A. Yes, sir; but the guard-rail was inside and the policeman stood there keeping order.

Q. He stood by the guard-rail? A. Yes, sir.

Q. Did you go inside of the guard-rail? A. No, sir.

Q. Did you go up to the guard-rail? A. Yes, sir.

Q. You mean you were standing up against it? A. Yes, sir; and this other man and the policeman and myself were there.

Q. Who went inside the guard-rail? A. The man he brought in to vote.

Q. Did the Tammany heeler go in, too? A. No, sir; but he did afterwards.

Q. He stood outside with you? A. Yes, sir.

Q. Both of you stood out beyond the guard-rail? A. Yes, sir.

Q. The man who went in to vote went to the ballot clerk? A. The man got his ballots from the ballot clerk and went into the booth, and when he came out he did not know how to fold

them, and this man put out his hand and took them out of his hand that he was going to vote and unfolded them before me and said, "That is not the one to vote, go in and fold them ballots right;" and when he was in, he got on a chair deliberately and took the tickets out of his pocket and threw it into him and, "That is the one to vote," and I put my hand on the policeman's shoulder and said, "Arrest that man and I will make a charge against him."

Q. What charge? A. That the law was violated.

Q. Do you know whether or not the man demanded assistance? A. The man demanded no assistance.

Q. How do you know that? A. Wasn't I there and didn't I hear.

Q. When he applied to the election officers could you tell whether he asked for assistance? A. He applied to no one; he got his ballots that is all.

Q. Isn't it not a fact that this man went up to the election officers when you stood back with the Tammany worker by the guard-rail? A. Yes, sir.

Q. And what occurred up there, as to whether he demanded assistance or not, you do not know, do you? A. Wasn't I standing alongside of him not three feet away from him.

Q. Was the ballot clerk near to the guard-rail? A. The man who got them was inside of the guard-rail, and I was outside, and I could hear what was said.

Q. Are you an office holder? A. I am not; I am a business man.

Q. Have you ever been an office holder? A. Never.

Q. Are you in politics? A. Nothing; only just for the good of the party; I am always a Republican, and always will be; sec; I don't deny my politics; I make nothing by politics, not a cent, only what I am out; and I don't sit here to tell a story; I am just telling you the straight up and down truth.

By Senator Saxton:

Q. Were you there when the voter came into the polling place? A. Yes, sir.

Q. You saw him when he came in? A. Yes, sir.

Q. You saw him go to the election officers? A. Yes, sir.

Q. And he received his ballots? A. Yes, sir.

Q. How far were you from him and from the election officers at that time? A. Not three feet.

Q. And you did not hear him ask for any assistance? A. No, sir; he asked for no assistance; I am on my oath here.

Q. And you did not hear the election officer tell anybody to help him fold his ballots? A. No, sir.

Q. He went to the booth which was next to the guard-rail? A. Yes.

Q. And this healer or worker, as you call him, stood right there? A. Yes, sir.

Q. He went in his booth and came out again with a ticket folded? A. Yes, sir; but not right.

Q. He had a ticket folded? A. Yes, sir.

Q. And did this man reach over the guard-rail and take that ticket from him? A. Yes, sir; and he unfolded it before me and told him, "That is not the one to vote," and he went back in the booth and he got up on a chair deliberately and took a ballot out of his pocket and said, "This is the one to vote."

Q. Did he give it to him before he went into the booth? A. No; he threw it into the booth.

Q. He threw it over the top of the booth? A. Yes, sir; he got up on a chair deliberately and threw it over; whether it was a paster ballot or one of the others, I don't know.

Q. Was the policeman there? A. He was at my left hand, not two feet from me.

Q. Was he looking at this transaction? A. If he was not blind; there was none but the three of us.

Q. He stood there facing these parties? A. He stood there just the same as I did, and when I put my hand on his shoulder and said, "Officer arrest that man and I will make a charge against him," he did not do anything.

Q. Who was the officer? A. I don't know; I was too much excited to tell, but I can easily find out.

Q. Was he the officer who was detailed there? A. Yes, sir; on the twenty-fifth election district; I was so angry and he hung his head and he said, "I have no man to leave in my place," and I said, "That is pretty good."

By Mr. Sutherland:

Q. His only reply was that he had no man to leave in his place? A. Yes, sir; that is the way the voters are going to be handled, and if that is so, it is time to give up the ship.

By Mr. Nicoll:

Q. What was that remark of yours? A. If we are to be handled that way; we have no protection in New York city. Chairman Lexow.—That is all; any further questions.

Louis Meyer, called on behalf of the committee.

By Mr. Sutherland:

Q. Where do you reside? A. Forty-one Rivingston street.

Q. How long have you lived there? A. About two and a half years.

Q. What Assembly district is that? A. The Third Assembly.

Q. That is the Assembly district in which Mr. Murray represented the Republican party last fall, is it? A. Yes, sir.

Q. Is that the district in which watchers were sent from the Republican Club up town? A. That is the district that watchers from the City Club and Union League, were sent all over the Third Assembly district.

Q. And that was a matter that was generally understood before election day, was it not? A. Yes, sir; it was advertised in the papers, and Mr. Murray gave personal notice that they were coming.

Q. Were you present when the police force went out that morning? A. I was at the station-house at the time; yes, sir.

Q. Did you hear the instructions given to the police force by Captain Devery? A. Yes, sir.

Q. What did he say to them in regard to the watchers that were coming down from the Republican clubs? A. I went in there to challenge a voter, and the officer in charge of that polling place would not arrest that voter, unless I went to the station-house and made a charge personally; I went down there, and while I was in there; there was a platoon of men; I suppose they were from different precincts, and the captain says to those man, "I don't want no charge brought against you people, and it makes no difference what your politics are, do just as your brother officer tells you; there is a lot of silk stocking people coming down from up town to bulldoze you people, and if they open their mouths stand them on their heads."

Q. What station-house was that? A. The eleventh precinct on Eldridge street.

Q. What time of the day was this? A. Between 8 and 9 in the morning.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Photographer.

Q. By yourself or with someone else? A. With someone else.

Q. With whom? A. B. Block, 543 Fulton street, Brooklyn.

Q. How long have you been with him? A. Nine years, off and on.

Q. How much of the nine years have you been on and how much off? A. About eight of the nine.

Q. Been eight years off? A. No; eight years on.

- Q. Are you now on or off? A. On now.
- Q. When were you last off? A. Last week.
- Q. Were you off one week and on another? A. He did not have any work for me to do that week and so I went off.
- Q. You were on or off, according to the work that Mr. Block has? A. Yes, sir.
- Q. How long have you known Charles H. Murray, the gentleman who sits there? A. Since Mr. Murray has been leader of the district.
- Q. How long is that? A. I suppose three years; I am positive how long he has been the leader.
- Q. When did you first meet him? A. Up to the club-rooms at Grand and Forsyth streets.
- Q. Of the Republican organization in the Third Assembly district? A. Yes, sir.
- Q. Have you been an active worker in the organization of that district? A. Yes, sir.
- Q. For how many years? A. So long as I have presented my first vote.
- Q. Ever since you first voted? A. Yes, sir.
- Q. That was seven or eight years ago, I suppose? A. About seven years.
- Q. I understood you to say that you were a watcher? A. No, sir; I was an inspector of election.
- Q. Appointed by your organization in that district? A. Yes, sir.
- Q. Who were your co-inspectors; who were the other two Democratic inspectors? A. The Democratic inspectors; I don't know their names; they did not belong to my organization, so I don't know who they were; they lived in the district, but I don't know who they were.
- Q. Do you mean to say that you do not know the names of the two election inspectors who worked with you on election day? A. I know their names, but I do not know who they are.
- Q. What are their names? A. Frederick Duser and Berman; I don't know his first name.
- Q. I understood you to say that you were present at the police station-house? A. Yes, sir.
- Q. On the morning of election day? A. Yes, sir.
- Q. At what time? A. Between 8 and 9 o'clock.
- Q. Was anybody with you? A. There was an officer there and the party that I challenged.
- Q. Who was that? A. A party by the name of Frederick Smith.
- Q. You had challenged him for attempting to vote illegally? A. Yes, sir.

Q. Had the officer ejected him? A. He would not take him unless I went to the station-house to press the charge.

Q. And so you went to the station-house to press the charge?
A. Yes, sir.

Q. With the officer and the prisoner? A. Yes, sir.

Q. And you all came before the captain? A. We had to wait until he got through with this platoon of men.

Q. Then you came before the captain's desk? A. Yes, sir.

Q. And the officer and the prisoner and yourself were there?
A. Yes, sir.

Q. Who else was present at that time? A. I think there was the sergeant at the desk.

Q. Who was he? A. I don't know the sergeant; I am not acquainted with the police.

Q. There was a sergeant at the desk? A. Yes, sir.

Q. Who else was present at the desk? A. Nobody else, except Captain Devery and the sergeant.

Q. Who was present in the room? A. Myself and the officer and the one I challenged.

Q. Were not there police officers, some of this platoon? A. We had to wait until they got through, and then the captain spoke to us.

Q. Were they not there? A. Yes, sir; but we did not pass any remarks when they were there.

Q. They were there at the time of the discussion between you and the captain? A. No, sir; they were not there; they were gone then.

Q. Then the only persons present were the captain and the sergeant, the officer, the prisoner and yourself? A. Yes, sir.

Q. No one else? A. No, sir; not that I know of.

Q. Do you swear to that? A. Yes, sir.

Q. Who opened the conversation? A. The captain asked me who I was; I told him I was a Republican inspector and he looked at me and he kind of slurred at me.

Q. You told him you were a Republican inspector? A. Yes, sir.

Q. And then he looked at you? A. Yes, sir.

Q. Did he say anything to you? A. No, he did not say anything to me, but he kind of slurred at me; kind of made a face at me; what I mean is, he had a sour look toward me; when I told him I was a Republican inspector he had a sour look at me.

Q. He took a sour look at you when you told him you were a Republican inspector? A. I did not say that exactly.

Q. What do you mean; do you mean to say that he looked cross or annoyed? A. No; he did not look cross or annoyed at me, but he looked kind of sour at me.

Q. He did not look cross?

Mr. Sutherland.— He has said no twice.

Chairman Lexow.— I think we understand what the witness means to say.

Q. What else was said by the captain? A. He told the officer to take me to court with the prisoner.

Q. Did he say anything to you personally — the captain? A. No, sir.

Q. He said not one word to you? A. He said, "Who are you?"

Q. And you said that you were the Republican inspector? A. Yes, sir.

Q. Then what did he say? A. He said to take him down to court.

Q. To whom did he address that remark? A. He said that to the officer.

Q. Who did he refer to, the prisoner? A. To the two of us, the prisoner and myself.

Q. Is that all he said to you? A. That is all; he was speaking to the officer.

Q. Did the officer go out with you? A. Yes, sir; the three of us went out together.

Q. Did he go out right away? A. Yes, sir.

Q. I understood you to say that he said something else? A. No, sir; he did not say anything else.

Q. Who said something else to the officer? A. No one said anything.

Senator Saxton.— I think what he said occurred before this took place between the captain and the witness; the platoon of policemen had gone out.

Q. Who said anything about standing the gentlemen of the Union League Club on their heads?

Senator Saxton.— That was before this took place between the captain and the witness.

Q. This remark of Captain Devery about standing the members of the Union League Club on their heads, was before the prisoner was arraigned at the captain's desk, is that it? A. Yes, sir.

Mr. Sutherland.— Before the platoon went out?

Mr. Nicoll.— I was writing a telephone message to my office stating that the committee intended to go on until 2 o'clock and I did not catch that part of what the witness said.

Q. I understood you to say that the captain — repeat that what the captain said? A. The captain said to the officer —

Q. Captain Devery said to the officer and the prisoner? A. Yes, sir; "There is a lot of silk-stocking people coming down

from up town to bulldoze you people, and if they open their mouths stand them on their heads."

Q. "Open their mouths, stand them on their heads!"

Mr. Sutherland.—No wonder you are astonished.

Q. Was there anything else said before the observation of the captain or did he make that remark without anything being said? A. He said to the platoon: "I don't want no charge brought to me against you people; it makes no difference what your politics are, do as your brother officer tells you."

Q. The captain said to his men, "I don't want any charge brought against you to me?" A. Yes, sir.

Q. Did he not call their attention to some of the rules and regulations of the department relating to elections? A. No, sir.

Q. Did he not tell them that politics was a matter of no consequence in the election, so far as they were concerned? A. He said, "It don't make any difference what your politics are."

Q. "I want no charge preferred against you by any citizen?" A. By no one.

Q. And you say that after saying that, he said that if any silk-stocking members of the Union League Club came down there and opened their mouths to stand them on their heads? A. No; he didn't say that; he said, if any silk-stocking men came down and tried to bulldoze you people, stand them on their head.

Q. Didn't he say something about a club?

Mr. Sutherland.—No; he did not say anything about the Union League Club or any club, you have got that in your head, the witness has not said so.

Q. Was that all his remarks to his men that morning? A. That is all while I was present.

By Mr. Sutherland:

Q. Was he talking to those men when you went in? A. They had just marched to the desk.

Q. They were standing in line before the desk? A. Yes, sir; a platoon of men.

By Chairman Lexow:

Q. Was that before the police captain knew that you were a Republican inspector that he made those remarks? A. He did not know who I was at that time.

By Senator Cantor:

Q. Were you standing there at the rail when Captain Devery,

made this statement? A. I could not stand by the rail; I was standing off at the side.

Q. Were you in view of the sergeant's desk? A. Yes, sir; about seven feet from it.

Q. Could the sergeant see you? A. Yes, sir.

Q. And could the captain see you? A. Yes, sir.

By Mr. Sutherland:

Q. I understand you to say that you were an inspector; it was your duty as inspector of election to stay at the voting place, was it not? A. Yes, sir.

Q. Do you say that the policeman declined to arrest this man unless you went with him and preferred charges? A. Yes, sir; and he kept me at the courthouse for three hours away from the polls.

By Senator Saxton:

Q. Then you went down to the court before the judge? A. Yes, sir.

Q. And the policeman with you, and the man against whom you made the charge? A. Yes, sir.

Q. Did you attempt to make a charge there before the court? A. I attempted to make a charge, but the officer was not there; he went away and then he came in and then he went out again; and they were fooling around there for three hours before they heard me.

Q. So they kept you there three hours before you got back? A. Yes, sir; when I got back it was 11 o'clock.

By Chairman Lexow:

Q. The officer went away, and they kept you until he came back? A. Yes, sir.

By Senator Bradley:

Q. Did you ever make any charge against the captain for the captain to issue to his men? A. Yes, sir.

Q. Did you go to the police commissioners or the superintendent of the police and state this to them? A. Not yet.

Q. Did you ever make any charge against the captain for using such language before his men? A. No, sir.

By Senator O'Connor:

Q. It is not an unusual thing to have unusual things happen

in New York, is it? A. No, sir; not in the Third Assembly district; some very funny things occur there.

Otto A. Rosalsky, called on behalf of the committee, being duly, sworn, testified as follows:

By Mr .Sutherland:

Q. Where do you reside? A. Twenty-nine Allen street, New York city.

Q. You have resided there how long? A. Twenty years.

Q. What is your business? A. I am a law student at the University of the City of New York.

Q. You have been a law student how long? A. Since October, 1892, at the university.

Q. Where did you vote at the last fall election? A. I did not vote last fall, because my age has not yet matured.

Q. Did you hold a commission as a watcher last fall? A. I did.

Q. Where did you serve? A. In the third election district of the Third Assembly district, 130 Canal street.

Q. What did you observe in reference to the conduct of the police on that day? A. On that day, when I appeared, I saw two policemen by the name of Fitzpatrick and O'Brien; while standing outside of the booth, I noticed several voters enter the booth with two other attendants there who claimed to be watchers; I approached one of the policemen and demanded of him to put those individuals outside of the railing as they had no right to be there; at first one of the policemen did not do anything, but I again intervened and told the policemen that those individuals had no right in there — in the booth with those men — and they responded, "Mind your own business; we have got the say here and not you;" I then told him I did not think it was right, that you are not obeying the instructions given to you and you are aware of that fact, that no one has a right to enter the booth and I demanded that they should be put out, and they refused, and these certain individuals went into the booth with the major part of the voters who voted that day; at about 3 o'clock, or between 2 and 3 p. m., one the henchmen there in attendance, by name Murphy, I told him, "It is about time you stopped this; Inspector Williams; when he comes here I will report this fact to him;" he used a vile epithet and struck me in the face.

Q. Where was the policeman just then? A. Inside the rail.

Q. How far away from you? A. About six feet from me.

Q. Was he where he could see this? A. Most certainly; he saw it and I shouted for the policeman and he came over and

he says, "Here, you don't want to be doing this; it is enough that you do other things, but don't you strike;" so he ordered this man out of the polling place, but he did not stay, he returned in about five minutes.

Q. Who returned? A. This same man Murphy, and during the entire day that was done.

Q. Where was the policeman when Murphy returned again? A. Inside of the rail.

Q. Did he see him return? A. Yes, sir.

Q. Did he make any protest against his coming back? A. No, sir; he did not.

Q. Did he eject him? A. He did not.

By Senator Saxton:

Q. Did he come back and go inside of the guard-rail? A. He did; he then came back again and over and over again he entered with everyone into the booth, although these individuals were not physically disabled; they were able-bodied men and the major part of those who did go in were unable to give their names and they had their names on a paper and I protested against them, but they would not make any arrests; this man Murphy went into the polling place and I called the policeman's attention to it, but he did not respond; about 3 o'clock Inspector Williams came down there, and I related these facts to him, and he called both of the policemen to him — no; one of them; the other was at lunch, I think, and he gave him special instructions not to permit anyone to enter the booth followed by another individual, and if so that I should report and he gave these instructions to the chairman of the board also at the same time, and I called the attention of the inspector to the fact that several individuals voted on the same name where another person had already voted, and I demanded that those ballots should be cast away when the vote was counted in the evening; and he gave those instructions to the chairman of the board and they were violated, and the policemen, both of them, were there the whole time during the entire time allotted for balloting, and I saw the same individuals go into the booth, and I saw the men come up with pieces of paper in their hands, and give their names from the paper; there was one fellow there in appearance was not a Hebrew; he did not appear as a Hebrew, and they asked him his name, and he said it was Isaac Cohen, and it was easy to see it was not his name and I protested, but he was permitted to vote.

Q. In all these cases where some one went into the booth

with them, Murphy or others, was there an oath taken before the inspector of physical disability? A. No, sir; no oath taken.

Q. Then without any oath being taken, did the inspectors assign anybody, this man Murphy or anyone, to go into the booth with the voter? A. Yes, sir.

By Chairman Lexow:

Q. And you say that the policemen saw that? A. Yes, sir.

Q. And you called their attention to the occurrence? A. Yes, sir.

Q. How many times did you call their attention to that fact? A. A dozen times; it is useless in that district to call their attention to it.

Q. Do you say that voters would come there with their names on a paper? A. Yes, sir; and I have a memorandum home, I think, to that effect, and in the letter that I wrote to Mr. Murray I mentioned those individuals named.

Q. They referred to a paper in giving their names? A. Yes, sir; they read their names from a slip of paper.

Q. In the presence of the policemen? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. I understood you to say that there was no oath of physical disability taken at all that day? A. That is my answer—I will qualify that—yes; as to physical disability, there was no oath taken.

Q. You know when an oath is taken there must be a minute made of it somewhere? A. Most certainly.

Q. If you should discover that the election records of that precinct recorded the fact that numerous oaths of physical disability were taken, would you not correct your statement or recollection on that subject? A. No, sir, I would not; it would astound me if such memoranda were made; I was present when the ballot was counted in the evening, and no such memoranda were made; it would really astound me if they would present such a record.

By Chairman Lexow:

Q. You mean if they presented such a record it would be false? A. Yes, sir.

By Mr. Nicoll:

Q. Who was the Republican inspectors? A. Mr. Gargingle, and the other gentleman's name I don't know.

- Q. Did you have two Republican inspectors? A. Yes, sir.
- Q. And one Democratic inspector? A. Oh, no; I think there was only one Republican inspector, Mr. Gargingle, and the other might be a poll clerk; they had only one inspector.
- Q. Do you know the difference between an inspector and a poll clerk? A. Yes, sir.
- Q. How many poll clerks were there? A. I do not remember how many.
- Q. Do you not know how many poll clerks there were? A. I did not count how many.
- Q. Were there more than six? A. I don't think there were more than six, I think less.
- Q. How many inspectors were there there? A. Two Democratic and one Republican.
- Q. Who was the Republican inspector? A. Mr. Gargingle.
- Q. Was he appointed by the regular Republican organization in that district? A. I do not know as to that, but I think he was.
- Q. Who appointed you? A. Mr. Murray gave me a watcher's certificate, and being a member of the organization I voluntarily rendered my services for that day.
- Q. Without compensation? A. Most certainly.
- Q. Were you there all day? A. I was.
- Q. Why was it when Isaac Cohen's name was called out that you think that the gentleman who voted on Isaac Cohen's name should not have been Isaac Cohen? A. From his appearance it could not have been so.
- Q. Did you know Isaac Cohen? A. I don't know him — but I know — I could easily draw the distinction between Isaac Cohen and the person who voted on his name.
- Q. How could you draw that distinction, if you did not know Isaac Cohen? A. There is a presumption —
- Q. That is the only specific charge that you have mentioned — the only name that you have given? A. There is a presumption that a person who travels under the name of Isaac Cohen is a Hebrew and not a Gentile, and his appearance denoted that he was not a Hebrew.
- Q. Do you mean to say that there is such a marked distinction that you could tell?
- Mr. Sutherland.—He can tell the difference between an Irishman and a Hebrew.
- A. I think that by the features of this individual's face that I could make the distinction.
- Q. Is there anything peculiar about the physiognomy of the family of Cohen that you could tell him? A. I did not make any

personal inspection; life is too short, of the whole family of Cohens in the United States.

Q. The family of Cohen is a large and influential family? A. I think it is.

Mr. Sutherland.—I object; I think this has gone far enough.

Q. What sort of a looking gentleman was the man who presented himself and called himself Isaac Cohen? A. A big, burly ruffian.

Q. What color of hair had this big, burly ruffian? A. I do not remember what color it was.

Q. What color of eyes had he? A. I did not examine his eyes.

Q. What mustache or hair did he wear on his face? A. A black mustache, and a red face.

Q. A red face and a black mustache? A. Yes; and he must have had black hair.

Q. And he was big and burly? A. Yes, sir.

Q. Have you not seen any gentleman by the name of Cohen who had black hair, black mustache, a red face and was big and burly? A. No, sir.

Q. What other circumstance was there that persuaded you that he was not a Cohen? A. I have stated that, and I think it is simply sufficient — from his appearance and his features.

Q. Had he any of the Hebrew type of countenance? A. No, sir; he did not have.

Q. Not at all? A. No, sir.

Q. How was his nose, was it in a Hebrew cast of countenance, so far as his nose was concerned? A. No, sir.

Q. You do not undertake to swear that man was guilty of forging a vote simply because he gave his name as Isaac Cohen, and you did not recognize him as the type of countenance of Isaac Cohen? A. Yes, sir; I mean to swear to that.

Q. Seriously? A. Seriously, earnestly and solemnly.

Q. Did you ever tell this Isaac Cohen story to Mr. Sutherland? A. No, sir; this is the first time that I have come in contact with his gentleman, this morning.

Q. Come in contact with what gentleman? A. Mr. Sutherland.

Q. When did you tell the Isaac Cohen story to Mr. Murray? A. I never related it personally, but by letter.

Mr. Sutherland.—He made his report to Mr. Murray; every watcher was directed to submit a report.

The Witness.—I was told to send in a report and I did so.

Q. When did you send in a report? A. About a week after election; about the 14th or 15th of November; about that time.

Q. And you had not repeated the story since to any one, for

the purpose of appearing as a witness? A. No; to no one, with the exception of once when I was subpoenaed before the grand jury.

Q. You were before the grand jury? A. Yes, sir.

Q. Were not these men indicted? A. I don't know whether they were or not.

Q. You do not know whether the inspectors of election were indicted? A. I do not know whether they were indicted.

Q. Were you ever called on the trial? A. No, sir; they might have had too much of a pull.

Q. Were you ever subpoenaed before the petit jury afterward? A. No, sir.

Q. But you were examined before the grand jury? A. Yes, sir.

Q. Did you tell them this story? A. Yes, sir.

Q. You told the Isaac Cohen story? A. Yes, sir; and with more vehemence.

Q. You told it with more vehemence? A. No; I told the facts.

Daniel F. Ring, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

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

Q. You have lived there how long? A. Nine years.

Q. Where did you vote in the election in 1893? A. Three hundred and sixty-two Pearl street.

Q. What election district is that? A. The nineteenth election district, Second Assembly district.

Q. Were you a watcher at that election? A. Yes, sir.

Q. On behalf of the Republican party? A. Yes, sir.

Q. Did you give attention to the canvassing of the vote after the polls were closed? A. Yes, sir.

Q. Where were the policemen when the votes were being canvassed? A. Inside of the rail.

Q. How near to the canvassers? A. Say three feet.

Q. Where were you? A. I was outside of the rail.

Q. How far were you required to stand from the canvassers? A. I stood there at my own option.

Q. How far away was it? A. About eight feet.

Q. How many votes were declared to be cast? A. Two hundred and seventy-one.

Q. How many of those were declared to be for Mr. Bartlett? A. None.

Q. What did you say, if anything, in regard to that? A. They

commenced to count the vote, and they said Secretary of State John Palmer so many, and they came down to Bartlett's vote, Judge of the Common Pleas, and they said none of Bartlett; 271 for Maynard; and I made a protest; I said my vote was there.

Q. What did you say about your vote? A. I said my vote must be there and they said they could not find it.

Q. Did you tell them that you had voted for Mr. Bartlett? A. Yes, sir.

Q. Then you said that your vote was there? A. Yes, sir; and one of the inspectors, Dooley, said, "I can't find it;" I said, "Fay, you are with me, and you are to find that vote;" he said, "I can't find it there;" there was a stack of ballots about that high (illustrating), and they said to the police officer to find it, and he said, "I have no right to handle those ballots," and I said, "You have no right to disfranchise me," and the policeman said, "Shut up your mouth; you have got too damned much to say."

Q. You had served there all day as a Republican watcher? A. No; I was away for my dinner.

Q. Yes; but you had been there more or less all day? A. Yes; on and off all day.

Q. And they knew the fact that you were a regular Republican watcher? A. Yes.

Q. You say that this was Dooley and Fay? A. Yes, sir.

Q. These two inspectors have both since been convicted of making a fraudulent canvass, have they not? A. Yes, sir.

By Mr. Nicoll:

Q. They have both been sent to prison for a term of years?

A. Yes, sir.

Chairman Lexow.—Was anything done to the policeman?

By Mr. Sutherland:

Q. Are the policemen still on the force? A. Yes, sir; I suppose so.

Q. Did you ever hear of anything being done to them? A. No, sir; that is all he said to me, "Shut up, you have too damned much to say."

By Senator Bradley:

Q. Did you make a complaint to anyone about the conduct of the policemen? A. No, sir.

By Mr. Nicoll:

Q. Did you shut up? A. Yes, sir.

Israel Ellis, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Nine Orchard street.

Q. In what election district is that? A. In the fifth election of the Third Assembly.

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

Q. Did you have any official connection with the election? A. Yes, sir; but not in my election district; I was in the seventh election district of the same Assembly.

Q. You were a Republican watcher there? A. No; I was a Republican poll clerk.

Q. Tell us what took place at that election, where you served as poll clerk, so far as the police were concerned? A. Before proceeding, I called the attention of the board to the clause in the election manual, which was supplied to every election officer by the police department, and this is the clause, section 68, which says that the duty of a poll clerk is to enter each voter's name when he appears in the polling booth to get a set of ballots, it is a ballot clerk's duty to call his name and his residence out, and I must enter his name on the poll-list, and then when such voter casts his ballot and vote and the chairman accepts his vote, then it is my duty to check such voter's name as have voted; I wanted to do my duty, but I was prevented from doing so by the chairman of the inspectors, and by the other inspectors and by one of the officers on duty there.

Q. Tell us what you said, and what they said about it; what was the first thing that was said? A. When several voters came in and they were handed sets of ballots, I wanted to get their names down, but the chairman and the officer told me that it was not necessary.

Q. Who was the chairman? A. A gentleman by the name of McGrath.

Q. What was the name of the officer? A. Frank Hahn.

Q. He told you that it was not necessary? A. Yes, sir; they told me that it would be sufficient for me to take down the name and the vote, and I told them it was not sufficient, because if I did not do this, there would be a great deal of repeating done; and they said, never mind, it is none of your business; you do as we tell you; it has been carried on for a great length of time, and I still kept on protesting, and once the chairman of the inspectors and another inspector said if I didn't shut up they would remove me from the board, and then the officer said if I would not stop he would take a hand in that too.

Q. The policeman said that to you? **A.** Yes, sir; and then several times the repeaters came in openly, without any fear whatever, and they tried to vote, and each time I protested and challenged their votes; and one time a repeater came in and he passed the ballot clerk, he passed the chairman, but I recognized him as a repeater, and I challenged the man, and I said, "What is your name?" but the man had forgotten his name, because he was voting for the second—third time—and so I caught hold of that man by the collar and ejected him outside, and the officer did not say one word; a second time a man came in to vote which I myself recognized as voting the second time in that election district; and another witness told me, whose name I do not know, that he was voting for the third time, and I waited until the man had voted, and I challenged his vote, and the man voted, and after he voted I caught hold of that man, and I said, "Officer, I want you to arrest that man;" and the officer looked at the ceiling, not at me; he did not say a thing and he did not arrest the man.

By Chairman Lexow:

Q. And he went away? **A.** Yes, sir.

Q. Did you tell the officer what you wanted him to arrest him for? **A.** Yes, sir.

Q. What did he say about that? **A.** I told him, the officer, that he voted for the second time to my own knowledge and the third time to the knowledge of a witness, and wanted him to arrest him.

Q. And he looked at the ceiling? **A.** He looked at the ceiling.

Q. When he forgot his name, did he refresh his memory by looking at a paper in his hand? **A.** No; he had no piece of paper whatever; I asked his name, and he got stuck.

By Mr. Sutherland:

Q. Did he give any answer? **A.** No; he only said the first name, he said, "John," and the second name he did not know.

Q. He did not know the second name? **A.** No.

Q. Who took down the name when he voted? **A.** He was passed by the poll clerk.

Q. Nobody took down his name? **A.** I suppose not; they did not care; they repeated openly, and at the time the repeating was done to such an extent that there was 508 registered, and out of these 495 voted, according to their own books, and when the votes were counted 567 votes were found in the ballot-box.

Q. Seventy-two more votes— **A.** Seventy-two in excess of necessary.

Q. Than their own books showed? A. Yes, sir.

By the Chairman:

Q. And was the policeman sitting by and seeing these occurrences without saying or doing a thing? A. They were standing by, and not only did not say anything, but encouraged them.

By Mr. Saxton:

Q. You mean there was an excess of votes in the ballot box over the poll-list? A. Yes, sir; they were taken out.

By Mr. Sutherland:

Q. Who drew them out? A. The chairman of the board of inspectors.

By Senator Lexow:

Q. Was this the character of work he did all day, from morning till night? A. All the day until the close of the polls.

Q. Was the same policeman there all the time? A. Yes; there were two officers.

Q. And you could see they were noticing these occurrences? A. Yes, sir.

Q. And helping and assisting them along? A. Especially one; there was one officer especially, of the name of Mr. McManor, who was not so offensive; but the other did.

Q. And interfered in the way of permitting this kind of business instead of stopping it? A. Yes, sir.

By Mr. Nicoll:

Q. Suppose you tell us what the officer did so we may know exactly what to charge him with; what did he do? A. Well, the first thing the officer did was that he called my attention to the fact that it is not my duty to take down each voter's name; he says simply take down the names when the votes are handed in to the foreman of the inspectors, but I kept on protesting, and he said, "If you wont shut up," he said, "I will take a hand in that;" those are his exact words; and then, when a repeater came in and I asked his name, I put him out of the polling booth, and the officer did not make any attempt whatever to arrest the man.

Q. Is that all? A. And then again, when another repeater came in and he voted the second time, of my own knowledge, and I called especially on the officer to have him arrested, he refused; he did not move; he did not stop; and another thing, if you are anxious to know what the officer did more, I will

accommodate you; he went inside the polling place, and looked inside the booths, and prepared a set of ballots for some of the voters.

Q. Now, have you told all now? A. Yes, nearly all; I think it is all.

Q. What time of the day was it that the first repeater you speak of came in? A. I think that was about 11 o'clock.

Q. I mean the first man of these two instances you refer to? A. About 11 o'clock.

Q. About 11 o'clock? A. Yes, sir.

Q. Who was present at that time besides yourself? A. Well, there were the officers.

Q. That is, the officers of election? A. I mean the officers of election, and the officers of the police, and there was a gentleman, Mr. Moses — he was a watcher for the Republican club.

Q. What was his name? A. Moses; I don't know his first name.

Q. Who else was there? A. Well, there were a great many people inside; the laws had been entirely violated in regard to certain distances in which the poll workers should be inside, because all the Tammany Hall workers were inside the polling place, and when I called upon the officer to arrest the second repeater, one of the Tammany Hall captains got hold of that man and put him outside.

Q. What is your business? A. I am a law student.

Q. Where did you study law? A. I studied a year in Columbia College, and last year in the New York school.

Q. What are you studying now? A. I am through with the law school, and I am not studying in any college at present.

Q. Are you instructing in law? A. Yes, sir.

Q. Teaching? A. Well, I am teaching and give lessons on some subjects to some people.

Q. Do you mean to say you are teaching young men, instructing them in law? A. No; not in the law.

Q. In other subjects? A. In other subjects.

Q. That is your occupation, is it? A. Yes, sir.

Q. How long have you lived in this country? A. I am seven years; it will be eight years this next August.

Q. You came from where? A. I came from Russia.

Q. You are a Russian? A. Yes, sir.

Q. When were you naturalized? A. I was naturalized on September 4, 1891.

Q. Have you always been a member of the Republican organization? A. Not always; I became a member of the organization last year.

Q. And of what organization were you a member before that?

A. Before that I belonged to the Independent Republican organization.

Q. What is that? **A.** An Independent association; it was a Republican organization, but it was not a regular organization.

Q. When — last year?

Mr. Sutherland.—A year before last, he said.

The Witness.—The year before last.

Q. What political organization were you connected with before that? **A.** What one? There was an organization that was called the East Side Young Men's Republican Club.

Q. Had you joined that before you had been naturalized? **A.** I beg your pardon, I did not.

Q. You did not? **A.** I joined the club after I became a citizen and voted.

Q. Prior to the point when you had become a citizen, what political association were you connected with? **A.** I did not belong to any association whatever.

Q. Prior to the point when you became a citizen? **A.** It was not my right to interfere in the politics before I was a citizen.

Q. That might be true, and yet the same time you might have taken one side or the other.

Mr. Sutherland.—Objected to; the witness said he did not. The witness said three or four times he did not belong to any political organization before he became naturalized. The counsel is still proceeding with that inquiry.

The Chairman.—It is unimportant. I do not see the importance of it. He is a Republican now, and it is supposed he has Republican bias.

Q. Why did you leave Russia? **A.** Why? It is rather a good question to ask.

Q. It is because you preferred this country to live in? **A.** I left Russia because I am a Hebrew and wanted to attend the gymnasium there, and on account of my religious belief I was prevented from attending the gymnasium and wanted to come where religion is not a preventative for advancement to a young man.

Q. That was your motive in coming to the land of the free and the brave? **A.** Yes, sir.

Chairman Lexow.—A pretty good reason, is it not?

Senator Saxton.—I would like to have you ask the witness something about what he said about the policeman going into the polls with the voters.

By Mr. Sutherland:

Q. Senator Saxton would like to have you say something about what you saw some policeman going into booths? **A.** Yes, sir.

Q. Which one did you see? A. Frank Harn.

Q. Was there anything said about his going in at the time; did anybody ask him to go in? A. No; he went in on his own account.

Q. He went in voluntarily? A. Yes, sir.

Q. Did he go into the booths more than once? A. Several times.

Q. Were voters going in at the same time? A. Each time the voter went in and said he could not read or prepare his ballots that officer went in and helped him to prepare his ballots for him.

Q. Where was the man when he said he could not prepare his ballot? A. When he passed the chairman of inspectors.

Q. Did he take any oath or swear to anything? A. Only in one case; and I challenged the man and the officer did not go himself, and someone else went with him, and I made a note of it in my poll-list.

Q. But in other cases where the officer went in the man did not take any oath? A. No; none whatever.

Q. Who asked the officer to go in with these voters? A. I do not know who asked him.

Q. Did you hear anybody ask him? A. No.

Q. You were near enough to hear if anybody asked him? A. My place was a little way from the chairman of the inspectors.

Q. How far was you from the chairman? A. The chairman was sitting in the same place as the stenographer here.

Q. And where were you sitting? A. I was sitting a little to the left.

Q. How far from him; how many feet? A. About six feet.

Q. And you heard these men go up to the chairman and say that they could not fold their ballots? A. No; they did not go to the chairman; the officer went in on his own account and prepared the ballots for them.

Q. Did the voter make any complaint about his — A. Well, he did not.

Q. He did not say anything? A. Only with that one special case.

Q. In all other instances the voters did not say anything? A. No.

Q. Simply the officer followed him in? A. Yes; he went in, you know, and picked out his ballots for him.

Q. And in these instances the voters did not make any pretense that they wanted help? A. No; and they did not ask the officer to go in, to my knowledge.

Q. Did the election officers say anything to the officer about

going in? A. No; they did not; only I went to the officer and laid my hand on him, and said, "Officer, this is a violation of the law;" he said, "This is nothing; I do not mean anything by it;" and I said, "It is against the law anyway, and don't you do it."

Q. How many times did you make that protest? A. That protest I only made once.

By the Chairman:

Q. Was it continued after your protest was made? A. I do not think it was; I believe it was five or six times before I called his attention to it, because I was kept busy in writing.

By Senator Bradley:

Q. You know this was a violation of the law? A. Yes, sir.

Q. Did you go to the station-house, or commissioners, or anyone to make a charge against this officer? A. No, sir; I did not.

Q. Why didn't you? A. Because this matter has been turned over to the care of Mr. Alfred R. Conkling, and he said he would subpoena me before the grand jury, and I thought there was no necessity of my going before the police commissioner.

By Senator Cantor:

Q. Were you subpoenaed before the grand jury? A. No, sir; I was not.

Q. Did you give your name and the circumstances to Mr. Conkling? A. Yes, sir; I did.

Proceedings of the fourth meeting of the committee, March 17, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor, Charles T. Saxton, George W. Robertson and Cuthbert W. Pound, of the committee.

Appearances as before.

John Sabine Smith, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. I reside in 29 West Thirty-second street, this city.

Q. And your occupation is that of a practicing lawyer? A. Lawyer.

Q. Lived in New York how many years? A. At least 25.

Q. And last fall you were connected with the Republican organization in what capacity? A. I was chairman of the Repub-

Hean county committee, and also president of the Republican club at that time.

Q. In that capacity you took an interest in the proceedings in various parts of the city on election day? A. Yes.

Q. And made personal visitation at the various election precincts? A. Yes; I did.

Q. Did you visit, among others, certain election districts in the Third Assembly district? A. I did.

Q. And do you remember an occasion when Inspector Coughlin or Conlin was present? A. I do.

Q. You may tell the committee all that you remember of that circumstance? A. I went to a —

The Chairman.—Speak up a little, Mr. Smith, so the committee can hear you.

A. I went to a polling place in the Third Assembly district; I do not remember the election district; it was on a street that ran east and west, and found the Republican watcher there; the Republican watcher had been appointed — had been selected by the Republican club, and appointed by myself as chairman of the county committee; the watchers had been instructed to go inside the rail and remain there as the law allowed them to do; I found the Republican watcher at the polls, and he said that he could not go inside, they would not allow him inside of the railing, and I asked him why; well, he said, the police and the board of inspectors would not let him in there; he had been trying to get in; there was an officer standing right by the entrance to the railing, and as I put my hand on the man's shoulder and said, now go in, you go right in there, the officer stopped him; he let him go right up to the entrance and stand by the side of the entrance and by him; I said that man is not inside the railing, and he has a right to go in there; the officer said he could not go any further; I told him he had a right to go, and he must go in there, the law gave him that right; he was insolent in his manner, and the chairman of the board of inspectors was also very insolent; I said I am going back to police headquarters where I had been before; I am going to see Byrnes; he said, well, you can do what you like; I went up to police headquarters and saw Superintendent Byrnes, and explained it to him; and he called up Inspector Coughlin, and he told Inspector Coughlin to go up there and put that man inside the railing; he jumped into his cab, and I into mine, and we went back to the place, arriving there at the same time; when we came inside the door I said to the inspector, that is the Republican watcher, and we want him inside the rail; he said that man must go in; the officer said, no; it is the other

way; he can not go in there until 4 o'clock, if he goes in anyway; that is not the instructions; that is not the way we understand it; the orders from the captain are different; the inspector said to him the man will go in there and stay there, and he pushed him right in; and he turned to the officer and put his hand on his shoulder, and said, "You do your duty, and keep that man in there, and if you don't do your duty, take the responsibility;" the officer's head dropped, and the chairman of the board of inspectors head dropped, and I left there, and that is all that occurred at that place that I remember.

Q. Did you visit the precinct in the Bowery that day? A. Yes, sir.

Q. What is the number? A. I can not remember the number; I went to all three of those precincts, in the district; it was done in two hours, and done very rapidly, and there wasn't time to make any memoranda; I remember, this place was on the Bowery; there was quite a number of people around the polling place, and I went in just inside the door and inquired after the Republican watcher; he came forward, and I asked him why he was not inside the railing; he said they would not let him go in; he said he had been trying to go in; I spoke up so all could hear it, and said, "You have a right in there, and here is your certificate which gives you the right to go in under the law;" the police officer said, "No; you can't go in there; I won't have him in there;" then he turned to the chairman of the board of inspectors and said, "That is it, isn't it; you can not have it in there;" he said, "Yes; we have no room in here, and won't have him in here," and then I took the law out of my pocket and read it to him, and said, "You see this man has a right in there, and I insist on his going in; it is your duty as an officer to put him in there;" the officer said that was not the way; I said, "Inspector William has been around this morning, as I understand, at police headquarters, directing the thing;" "Well," he says, "I do not know about that; but the man can't go in there;" then the chairman of the board spoke up and said to the officer, "Well, you had better clear this place out;" I said, "I am here to see this man has his rights;" he asked who I was, and I gave my name and said that I was chairman of the county committee, and as such officer I had appointed this man, and, therefore, I felt an interest in it as well as a duty to see he had his rights and was put inside; the chairman of the board then said, "Well, if you don't like it you will go through that window;" I said, "You can throw me through the window now, if you think you can do it," and nothing further was said about that; I stepped out to the

door, and somebody said, "There comes the captain;" the captain of police was coming along the sidewalk; I explained the matter to him, and explained the law to him; he seemed very indifferent about the matter, and apparently tried to smooth it over, and he turned back and said, "How is this;" and so on to the officer and chairman, and they said, "Well, we can not have this man in here," and he said, "You see what the law is; you had better let him in;" they said, "We do not understand it that way, and wont let him in anyway;" I said, "I will go right up to Byrnes."

Q. Did the captain make any report to you of this—the police captain? A. I was with him.

Q. Did he make any suggestion to you after he proffered that request and received that answer? A. He said, "You see I have told him they had better put it in there, and they do not seem to do it; I did not know what to do;" "Well," I said, "I am going to Byrnes," and called to my cab, and spoke to Mr. Murray and started to get into my cab, and said, "I am going right back to Byrnes;" "Well," he said, "We wont have any trouble about this."

Q. Who said? A. The police captain; and we walked back in and saw him put that man right in there, and I turned around and went right in, and that ended that.

Q. Now, are there still further circumstances? A. I was at another place, I think it was on the Bowery; it was on a street that runs north and south, where a man was who said, he was the Tammany captain, that claimed he was the Tammany captain; he was very noisy, and very insolent, when I spoke to the watcher and policeman about putting the watcher in, and tried to drive me away; but in that case I went back to Superintendent Byrnes, and he sent Inspector Coughlin down, and Inspector Coughlin put the man right in, and the policeman gave it up; I was three times up at Inspector Byrnes' to see him, and he sent Inspector Coughlin three times, I think, to each of these places, and he enforced the law, and put the watchers in; he said to Inspector Williams once that he had sent him around before in the morning, and now go around and do his duty and see this thing was enforced; one incident—you asked me of another incident—it was a little different, and I was coming out of a basement where the polling place was, and as I came up the steps there were two men standing by the steps on the sidewalk; one was a citizen, and the other an officer; the citizen had in his hands a lot of small bills, apparently one and two dollar bills, and a man came out right after me—a man came out who had just voted, and I saw him hand him some money; I saw a man that came out after me; the man that came out as I was going in; the officer was standing right alongside this man.

Q. How far from him? **A.** Within three or four feet; I said to the citizen, I said, "What is the price of votes to-day, are they high or low"? and I said it so loud that the officer could hear it, and he did not make any answer, and then I went in; of course the officer was right there in view of the whole thing, in the hearing of it.

Q. And it was in his sight also? **A.** Yes, sir.

Q. You say this man had his money openly in his hand, displaying it? **A.** Yes.

Q. And passed the \$2 to the man? **A.** I did not see how much he handed him.

Q. He passed whatever he did pass him openly and above board? **A.** Yes, sir.

Q. And did not make any attempt to go behind the bush? **A.** Not at all.

Q. Is there any further circumstance that you now recall? **A.** I do not know that there is.

Q. If I understand you correctly, it required the active interference of Inspectors Coughlin and Williams to compel the police officers stationed at the polling places to protect the Republican watchers in the station provided for them by law? **A.** Yes, sir; in some cases when I came around they took the watcher in after pressing the matter; but the watchers, with hardly an exception, I think no more than two or three were outside the rail everywhere we went through the whole 26 election places.

Q. And were unable to gain admission until you took these active steps? **A.** Yes, sir.

(No cross examination.)

Mr. Sutherland.—Do the committee desire to ask any questions?
The Chairman.—No questions by Mr. Nicoll?

By Senator Bradley:

Q. What was the captain's name you referred to? **A.** I do not remember his name.

Q. What precinct was he captain of? **A.** He was captain of the precinct which embraces the Third Assembly district, or at least that election district where we were then; I do not know the number.

Philip Strobel, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? **A.** Forty-nine Eldridge street.

Q. What is your occupation? A. A pressman.

Q. Were you a Republican captain and watcher at the last election? A. I was an inspector.

Q. And at what polling place did you serve? A. Forty-nine Eldridge street.

Q. What is the number of the election district? A. The sixth election.

Q. Of what Assembly district? A. Third Assembly.

Q. By the way had you had a hand in unearthing illegal registration before that? A. Yes, sir.

Q. Was it a fact that it had become known, your connection with that? A. I suppose so.

Q. It was a matter that was talked about, was it? A. Yes, sir.

Q. And as an inspector did you sit as a board of registry? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. You may tell the committee what you know of the conduct of the police on the registration days, and on election day? A. Not on registration day; on election day I had no bother with the police at all; I did not have any trouble on the registry day with officers, but on election day when we opened the polls our watcher wanted to go in inside of the rail, and the officer came along and told him he had no business there and must go on the outside.

Q. Can you raise your voice a little bit? A. On election morning the officer insisted on my watcher being on the outside of the rail, and the watcher told him he had a right on the inside, and the officer told him he did not, and he opened the manual and read the law to him and showed him where he had the right; the officers seemed to be satisfied with that; the roundsman came around and told him he must come out, and put him out.

Q. Who was with roundsman? A. I do not know his number.

Q. Do you know his number? A. No, sir.

Q. Well, go ahead? A. Then he got outside of the rail and satisfied the officer, and afterward the candidate for district attorney and civil justice came along, and they told him they would see we got our justice; and they went down and saw Inspector Byrnes, and he sent up Inspector Williams; Williams told us we had a right to have our watcher on the inside of the rail; so, anyhow, he said if the place was too small it would be better to keep him on the outside; so, the watcher, being satisfied he had a right on the inside, if he chose to be there, stayed on the outside to satisfy the police and have no trouble; early in the morning a young man came in to vote, and the

officer wanted to arrest him as an illegal voter; I made the man swear in his vote before he was arrested, and when he was taken down to the station-house Devery asked him what his politics was.

By Mr. Cantor:

Q. Were you there? A. I was not there.

By Mr. Sutherland:

Q. How do you know he asked him that? A. A man told me the next morning, when I went to court the next morning to identify him.

Q. Who was there then? A. The man who was arrested, a Mr. Schats, and his mother, and one or two policemen.

Q. The man that was arrested is named Schats? A. Yes, sir; Bernard.

Q. Where did he live? A. Thirty-eight Eldridge street.

Q. What was he arrested for—for illegal registration? A. He was supposed to be illegally registered.

Q. What was said in the police court about it the next morning? A. The judge asked me if I knew him, and whether he was a legal voter, and whether he lived there, and I told him I verified the place twice, and found him to be a resident there; and he was discharged; and then he wanted me to go down to the Press office with him; and make a statement of the particulars; that he was a legal voter; and have it rectified in the papers; and I told him he had better go himself, it would be just as good; and he made a statement to the Press, and the Press the next morning stated what Captain Devery asked him, etc.

Q. Now, did you see any cases of personal violence that day? A. No, sir.

Q. Or any other circumstances in connection with the conduct of the police? A. No, sir; that is all that happened.

Q. Does Mr. Schats live at that same place now that he did then? A. I think he does; his mother is janitor of the building.

Q. And is this address the number of the flat you are speaking of? A. Yes.

Q. What is the address? A. Thirty-eight Forsythe street.

No cross-examination.

Bryant Willard, called as a witness, being duly affirmed, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Two hundred and twenty-one West One Hundred and Thirty-third street.

Q. Two hundred and twenty-one? A. Two hundred and twenty-one.

Q. What is your occupation? A. I am a law clerk and student.

Q. In whose office? A. William S. Comstock.

Q. How long have you resided on One Hundred and Thirty-third street? A. Something over three years.

Q. Always lived in New York? A. No, sir; not always.

Q. How long have you lived here? A. I have been here about three years this time.

Q. During that time have been a law student? A. Yes, sir.

Q. And where is your voting place, Mr. Willard? A. My voting place is on Eighth avenue—Seventh avenue.

Q. What is your election district? A. Twenty-eighth Assembly and twentieth election.

Q. Did you have any official connection with the election last fall? A. I was watcher in the Third Assembly district.

Q. In what election district? A. Sixth.

By Mr. Nicoll:

Q. You are a Republican watcher? A. I was appointed by the Bar Association and the Republican County Committee, both.

By Mr. Sutherland:

Q. You were also a Bartlett watcher? A. I had two certificates; I was a Bartlett watcher and a Republican watcher.

Q. Did you visit the polling place at the opening of it? A. Yes, sir; I was there at half-past 5.

Q. State what you saw in regard to the conduct of the police? A. The polls opened at 6 o'clock, and I had presented my certificate, and had some dispute with the chairman and board of inspectors as to my right to be in the rail.

Q. Who was he? A. His name was Samuels; it was the same district as the previous witness was in, and I read the law to him, and he consented to go inside a quarter past 6; Mr. Lewis demanded I be removed from within the rail, and I objected and started to read the law, whereupon a roundsman 3163, whose name I believe is Sullivan, he came in and removed me, and cut me off in the middle of reading the law—cut me off in the middle of the reading of a sentence, and chucked me outside of the rail.

Q. Had you the manual in your hand when he came in? A. I did; I was reading the law.

Q. How did he remove you; what did he do? A. He caught hold of my shoulder; I did not offer much resistance excepting to talk to him; I offered no physical resistance.

Q. What did you say to him? A. I told him I had a right there, and if he looked at the law he would see so; he said it was not so at all, and I must go outside; I persisted and went outside, and continued to persist I suppose 10 or 15 minutes, and he went out; this roundsman was not regularly attached to the polling place.

Q. Who was the policeman regularly attached to the polling place? A. Their numbers—I have their numbers on a memorandum.

Q. Have you it with you? A. I have it with me (producing memorandum), 369 and 953, two policemen regularly attached to the polling place.

Q. Was there another policeman there? A. There was another one that came in there a number of times, the same as this roundsman; his number was 2467; I think his name was Parker.

Q. Fred. G. Parker? A. I think that was his name; I continued this protesting for 10 or 15 minutes, and finally I was allowed to read the law again, and the roundsman was not then present.

Q. That is, this Roundsman Sullivan? A. 3163; yes, sir; and finally the chairman allowed me inside, and I went inside and stayed there 10 minutes, and the roundsman returned, and without any body saying anything to him, came inside the rail, and said, "My captain says you have no right in here," and he took me by the shoulder and put me out again, this same man Sullivan.

Q. What did Parker do, if anything? A. He did not do anything, but vilify me, and he said, I had no right in the polling place, and he would put me out if I did not shut up; and I did not shut up, and he did not attempt to put me out.

Q. Now this was roundsman 3163 who came in and removed you the last time? A. Yes, sir.

Q. Was anything said by the chairman of the board of inspectors when he came in? A. He did not request him to remove me; no, sir; after he had removed me he said—after I again demanded to be admitted—he said, "I have got to take orders from the captain."

Q. Did you see anything with regard to the handling of the ballots during the day? A. Yes, sir.

Q. What was it? A. Well, the chairman and board of inspectors on several occasions opened the ballot before depositing it, and opened the ballot, and apparently looked at it, and apparently made some sign to a worker outside.

Q. Where was the policeman at this time? A. He stood beside me outside of the rail.

Q. And could see as well as you what was going on? A. Yes, sir; I think so.

Q. What did you do or say about that? A. I objected on two or three occasions; the chairman would simply say, "What is the matter with you?"; it was done so it was—

Q. Was this said back and forth in tones loud enough so the policeman could hear it? A. Yes, sir.

Q. Where was the policeman? A. Alongside of me.

Q. How far were you from the chairman of the board of inspectors? A. About the same as from here to you.

Q. About 14 or 15 feet? A. Yes, sir.

Q. And the policeman was facing the chairman? A. Yes, sir.

Q. And you saw the chairman open the ballots? A. Yes, sir; he opened it with one hand, and he opened it with his thumb; and while he was looking at the book he opened it with his left hand; he would just poke it open a little that way, and then make a sign; he would make a sign after the ballot was deposited; I would see him make some expression to the workers outside; I protested a number of times.

Q. When you protested, what did you say? A. I said, "Here, I want you to stop looking at the ballots in that way."

Q. The policeman could hear the charge that he was looking at the ballots in that way? A. Yes, sir.

Q. What would the chairman reply? A. "Oh, what is the matter with you kicking up this disturbance?" whenever I opened my head I would be threatened with ejection, and they said I was interfering with the voting.

Q. The policeman never interfered to protect you? A. No, sir; the policeman did not interfere.

Cross-examination by Mr. Nicoll:

Q. Did you have a certificate from the Republican county organization as watcher? A. Yes, sir.

Q. Who had signed it? A. It was signed, I think, by two men, the secretary—I think Mr. Smith signed it; I have it in my pocket.

Q. It was signed by John Sabine Smith? A. I think it was.

Q. As chairman of the county committee? A. I think it was.

Q. Was any objection made to the regularity of your certificate? A. There was not.

Q. None at all? A. Not at that time.

Q. Was there at any time such objection made? A. Well, no; there was not.

Q. Wasn't there some objection made on the ground that the certificates had been issued in blank and had been filled in

afterward by persons not duly authorized? A. No, sir; the only reason, I understood, was that when I went before the grand jury I think that question came up.

Q. That your certificate was regular? A. That it was regular?

Q. It was regular; it was filled out by Mr. Smith, and signed by Mr. Smith? A. I don't know; it was signed by him.

Q. Who wrote your name in? A. I do not know; it was all filled in when I got it.

Q. Who handed it to you? A. I don't know but it was Mr. Smith himself; I would not swear to that.

Q. Where? A. At the Republican Club, the night previous to election.

Q. Did you present it to the inspectors? A. Yes, sir.

Q. Did he examine it in your presence? A. Yes, sir; several times during the day.

Q. There was a Republican inspector there? A. Yes, sir.

Q. And two Democratic inspectors? A. Yes, sir.

Q. Did you present it to the whole board? A. I presented it to the chairman.

Q. Did the chairman refuse to recognize it? A. He did not; no, sir.

Q. Why didn't he admit you then within the rail? A. He did admit me; he admitted me in the first place, and the roundsman removed me, and then he admitted me again, after I read the law to him.

Q. Did the roundsman remove you of his own motion or on a demand of the inspector? A. At first he removed me by the demand of the Tammany worker, and the second time he started right for me, and said, "My captain said you have got to be outside the rail;" and there was a chorus of "That's right."

Q. There was no complaint on the part of the inspectors, your being present? A. No, sir.

Q. The inspectors made no complaint to the officer? A. No, sir; they did not.

Q. So far as your relations to the inspectors was concerned, they were agreeable, were they not? A. No, they were not agreeable; after he removed me the second time—

Q. I am speaking before you were ever removed; what I mean to say is, the inspector had found no fault with your being present there? A. No, sir; he had not; he had admitted me twice.

Q. He admitted you in the morning, and you were there standing near the rail, I suppose? A. Inside the rail.

Q. Then the roundsman, of his own motion, without any—
A. On the motion of the Tammany worker, removed me; that

is, he grabbed hold of me, and I walked along with him; I did not resist him.

Q. I mean to say, it was his command which induced you to go out? A. Yes, sir.

Q. You did nothing at all; you had made no disturbance? A. Well, I had had considerable to say; I had challenged a couple of men, and made some remarks, and had not made any disorder.

Q. You had made speeches? A. I had said something.

Q. Had you done more than your share of the talking? A. No, sir; I don't think I did.

Q. You don't think you had? A. I am pretty sure I had not.

Q. Had you taken a very large part in the controversy? A. Not at that time; that was only 15 minutes after the polls opened; I had not got started then.

Q. You had not got steam up then? What was the provoking cause of your getting out; what was the thing that induced the representative of the regular Democratic organization to complain to the roundsman? A. Well, I don't know; I presume at that time—I don't think there had been any trouble; I presume that I was asking for the names of the voters as they voted.

Q. That was what you were there to do, to watch; wasn't it? A. Yes, sir, to watch; and I don't remember that I had had any trouble, or challenged anybody at that time; that was only 15 minutes after the polls opened; but what I had to say was, "Mr. Chairman, will you give me the name and address of that voter," as the man came up to vote; many of them were foreigners whose names I could not understand; that was all I had to say, to talk upon before that.

Q. You asked the chairman, as the voter approached the ballot clerk or came to vote? A. Yes, sir.

Q. For his name and address? A. For his name and address, so I could check it off of the list.

Q. Was there another Republican watcher with you? A. No, sir.

Q. Were you the only one there? A. The only one I saw anywhere.

Q. Was it not complained that your proposed comparison with your list and the other list delayed the taking of the vote?

A. It was not; the Tammany watcher was doing the same thing.

Q. The same thing? A. Yes, sir; one of the Tammany watchers.

Q. Then if that was so it was not necessary for you to ask for the name and address, because the chairman was calling it out all the time? A. Not necessarily; sometimes he called it

out and sometimes the Tammany watcher called it, and sometimes I called for it, and sometimes another one of them asked, some knew some of the voters and I knew none of them.

Q. Weren't you conscious of having made any disturbance, or disorder, or loud talk, or put any obstruction in the way of taking the vote during the first 15 minutes? A. I made no obstruction of the voting; no, sir.

Q. You wish us to believe this was an entirely unprovoked exercise of authority on the part of the officer in ordering you out? A. Yes, sir; it was called to him by the Tammany worker.

Q. It was without any claim on the part of anybody that you were disturbing the election? A. Yes, sir.

Q. Did you make any complaint of the conduct of this officer to headquarters? A. To police headquarters?

Q. Yes. A. No, sir.

Q. Did Inspector Williams or any other inspector of police come there that day? A. Inspector Williams did, I think, and Inspector McAvoy.

Q. Did you complain to them? A. I explained to Inspector Williams that I had been excluded from the guard-rail; he notified the chairman I had a right to be inside the guard-rail.

Q. On his notification did you return to the inside of the guard-rail? A. I went inside the guard-rail and remained a few moments, and then came outside to a chair, which I see just outside; but I reserved my right in case I became crowded any way to go inside the rail; and for the rest of the day I sat outside in this chair: sometimes I was standing up.

Q. You mean to say when you was outside the inspector of police installed you in your position, and then you voluntarily went outside to sit in the chair? A. I don't think I went inside when Inspector Williams was there; he stated I had a right inside the guard-rail.

Q. What time of the day was that? A. It was sometime in the forenoon, I think; about half-past 11.

Mr. Sutherland.—He had been already twice ejected from behind the rail.

The Witness.—After that he went out and drove away somewhere, and then I went inside the rail and said something to the chairman; I said, "You see, I was right in the first place," and we had some little talk, and I said, "Well, I will stay outside;" there were two chairs, and one was occupied by the Tammany worker, and I said, "I will sit out there if I am not crowded, but if I am crowded so I can not take my notes, I will come inside."

Q. Was it crowded inside? A. Inside the rail? oh, no

Q. Why didn't you stay inside the rail when your rights had

been established? A. I thought it was just as easy to sit down; I was pretty tired.

Q. That was the reason? A. That was the reason.

By Mr. Sutherland:

Q. But you had twice been ejected before Inspector Williams came there? A. Yes, sir.

Q. By the way, did you get a copy of the instructions given to the police? A. Yes, sir.

Q. Have you it with you? A. I have. (Witness produces a paper.)

Q. I will ask you whether there is anything in there in regard to the rights of watchers? A. Not to their rights to be inside the rail; no, sir.

By Senator Saxton:

Q. The first time you were ejected you had not been there but 15 minutes? A. About 15 minutes.

Q. You had not done anything except to check off the names? A. Yes; if you allow me to consult this memorandum.

Q. Had you done anything beside that up to that time? A. No, sir.

Q. And you was doing what the Democratic watcher was doing? A. Yes, sir.

Q. And the names you called for were the names you did not understand? A. I did not catch the name or address; the names were mostly those of foreigners.

Q. Did you ask for the names in a respectful way? A. Yes, sir.

Q. There were no words between you and the officer up to the time you were first ejected? A. No, sir; I had no trouble at all.

By Senator Bradley:

Q. You say the roundsman, when he came back again, told you that the captain's order was to not allow you inside the rail? A. He said "My captain has directed me not to allow you inside the rail;" I think Captain Devery was in at that time.

By Chairman Lexow:

Q. Nothing, however, was done in reference to the Democratic worker; he was not interfered with? A. No; but he did not attempt to go inside the rail; he weighed about 400 pounds, and I don't think he could have got in there.

Mr. Sutherland.—I desire to offer in evidence this circular issued by the police department of New York on the 4th day of November, 1893, to the election officer. I have already interjected the purport of it by asking a question.

Senator Cantor.—You had better transfer the contents of the paper to the record.

“POLICE DEPARTMENT OF THE CITY OF NEW YORK,
 “BUREAU OF ELECTIONS, 300 MULBERRY STREET,
 “NEW YORK, November 4, 1893. } ”

“To *E*lection Officers:

“The special attention of inspectors, poll clerks and ballot clerks is called to the following in connection with the performance of their duties under the Election Law of the State, copies of which have been already furnished:

“1. The ballot clerks shall not fold the ballots for the voter, but they may instruct him how the ballot should be folded, by folding a sample ballot in his presence. (Section 64, Election Law.)

“2. If, from any cause, the official ballots shall not be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as possible in the form of the official ballots, may be used. (Section 70, Election Law.)

“3. The inspectors of election shall, if requested by any watcher, during the canvass, exhibit any and all ballots cast at the election to such watcher, fully open, and in such a condition that they may fully and carefully read and examine the same, but the inspectors of election shall not allow any such ballot to be taken from their hands. (Section 77, Election Law.)

“4. In case of the absence of a poll clerk during the canvass of the votes one of the inspectors may perform his duty. (Section 78, Election Law.)

“5. Should any question, not distinctly provided for in the Election Law, arise during the voting or canvass of the votes, it is to be decided by a vote of the majority of the inspectors, who are advised not to put a strained or technical interpretation upon the statute.

“6. At the close of the election the package of undistributed ballots in each polling place shall be addressed to the bureau of elections, and be delivered by the chairman of the board of inspectors at the station-house of the police precinct in which the polling place is situated, where a receipt will be given for the same.

"7. Registers and other returns will be filled as follows:

"By chairman board of inspectors.

"1. Inspectors and public copy in one envelope at bureau of elections.

"2. Poll-lists, one at bureau of elections and one with county clerk.

"3. Statement of canvass (one copy), at bureau of elections.

"4. Ballot clerk's statement at bureau of elections.

"By inspectors (other than chairman):

"1. Inspector's copy of register at bureau of elections.

"2. Statement of canvass, one copy, with county clerk.

"3. Statement of canvass, one copy, with clerk of board of aldermen.

"By poll clerks:

"1. Tally, one copy, at mayor's office.

"Tally, one copy, at bureau of elections.

"2. All vacancies of inspectors, poll and ballot clerks can be filled only by the board of police. (Section 11, Election Law.)

"By order of the board of police,

"T. F. RODENBOURGH,

"Chief of Bureau of Elections."

Robert Strahl, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. You are a resident of the city of New York? A. Yes, sir.

Q. And have been how many years? A. Twenty-eight years.

Q. Where did you vote last fall? A. Sir?

Q. Whereabouts did you vote last fall? A. Sixth election district.

Q. And what Assembly district? A. Seventh.

Q. Seventh Assembly district and sixth election? A. Yes, sir.

Q. Can you tell the street and number of that place? A. Yes sir. the number is — Attorney street; and the number is 116; the street is Attorney street, and the number is, I believe, 160.

Q. What is the name of the street; Attorney street? A. Attorney street.

Q. What time in the day did you go there to vote, Mr. Strahl? A. About dinner time.

Q. About dinner time? A. I can not exactly say; about dinner time.

Q. Did you see the policeman there? A. I think I did.

Q. Do you know his name or number? A. His number I do not know.

Q. Can you tell his name? A. Clark.

Q. Now, did anything happen to you as far as this policeman was concerned? A. No, not exactly; I went into the booth to vote, peaceably, and when I was in the booth about two minutes the chairman of the board ordered an officer—no, first he hollered, "Strahl, your time is up;" I said, "Mr. Chairman, you know I am only two minutes in the booth; I have a watch with me," and I did not go out, and he ordered the officer to bring me out of the booth; the officer opened the door of the booth and said, "Strahl, your time is up," and I said, "You know yourself I am only three minutes in the booth; will you please close the door, when I am not through;" and he closed the door, and I stayed in there, and when I was through I came out and voted; but about going out I was hit on my head by one of the Tammany heelers.

Q. Where was the policeman when this man hit you on the head? A. One policeman was inside.

Q. How far was he from you? A. About three feet; he was inside.

Q. Did he see this assault? A. He did not see it.

Q. He turned around, did he? A. Yes.

Q. Where was the other policeman? A. The other officer stood outside; then I was hit by going outside; one of the Tammany heelers, a different man, jumped outside and said, in front of the officer, and said, "You are nothing else but a loafer;" so I said, "This is a nice way to treat citizens when they go to vote;" and so the officer did not say a word, but he laughed.

By Senator Saxton :

Q. Did you see the officer turn around? A. A different officer stood inside.

Q. You said when you was hit the officer turned around; did you see the officer turn around after you came out of the voting booth? A. When I came outside the different officer was standing there; and this time, inside, a different Tammany heeler came out, and said, "You are nothing else but a loafer," in front of the officer, and I said, "This is a nice way to treat a citizen."

Q. I understood you to say, when you came out of the booth, a Tammany man hit you? A. Yes, sir.

Q. You said then, that the officer turned around? A. Yes, he did; he did not want to see it.

Q. Did he turn around after you came out and before you was hit; did you see him turn around? A. Inside; certainly.

Q. At the time you was hit, did you see him turn around and turn his back toward you? A. Yes, sir.

Q. And he was three feet away? A. Yes, sir.

By Mr. Sutherland :

Q. And the man that hit you was a brother of the chairman of the board of election? A. Yes, sir; a man of the name of Schair; and in the evening I was watcher there; I had my paper, and I went inside the railing, and one of the Tammany heelers ordered the officer to order me outside the railing, and I went outside the railing.

Q. In 1892, were you United States marshal? A. Yes, sir; I was.

Q. And at what polling place did you serve then? A. The same place.

Q. The same place? A. Yes, sir.

Q. These people seemed to know you, then? A. Yes, sir; I had a falling out with the same man at that time; he wanted to hit me beause I entered the polling place.

Q. Who hit you? A. The same man that hit me this time.

Q. You ordered him out of the polling place in 1892? A. Yes, sir.

Q. Who was the policeman that was there then? A. The same officer I mentioned before.

Q. Clark? A. Yes, sir.

Q. Did you ask him to assist you on that day? A. Certainly; he said, "Mr. Strahl, you know you are far superior to me than I am to arrest a man."

Q. You called upon him to help you arrest somebody? A. Yes; I told him—he ran away; I had him, and the officer did not come out so quick; and after, I had to let him loose; he was a big, powerful man; the officer came out and said, "What is the matter there?"

Q. You had arrested a man yourself, had you? A. I could not; I was not strong enough.

Q. Had you taken hold of him for the purpose of arresting him? A. Yes, sir.

Q. And he was a larger and stronger man than you? A. A powerful man; the officer came out when he was across the street.

Q. The policeman would not assist you, until the man had broken away and gone? A. Yes, sir.

By Senator O'Connor :

Q. This was in 1892? A. Yes, sir; in 1892.

Cross-examination by Mr. Nicoll :

Q. In 1892, you were the boss of the polls, weren't you? **A.** Yes, sir.

Q. You were the United States marshal? **A.** Yes, sir.

Q. And your orders were obeyed? **A.** Yes, sir.

Q. And you got into a feud—into a row with one of these men? **A.** Yes; one of the heelers of Tammany; he stood around there, and I ordered him out of the room, and he went from me.

Q. He stood around the polls? **A.** He was inside.

Q. And you ordered him out? **A.** Yes, sir.

Q. And what did he do? **A.** When I ordered him out he wanted to hit me, so I called the officer and held him, and I called the officer, and before the officer came out he ran across the street and I did not interfere any more with him.

Q. He ran away? **A.** Yes, sir.

Q. Then he succeeded in hitting you in 1893? **A.** No, he did not hit me; but he only went for me; he wanted to.

Q. That was what he did in 1892? **A.** Yes, sir.

Q. But in 1893 he did hit you? **A.** Yes, sir; he did.

Q. He tried to hit you in 1892? **A.** Yes, sir.

Q. And succeeded in hitting you in 1893? **A.** Yes.
Senator Saxton.—One year.

Mr. Nicoll.—One year to take him to hit him, yes.

Q. Now, as I understand you to say, in 1893, the year in which he succeeded in hitting you, the officer turned away? **A.** Yes, sir.

Q. Did the officer turn before he had got up his fist? **A.** Oh, that time? the officer was not outside—

Q. In 1893? **A.** The officer turned around.

Q. In 1893? **A.** Yes, sir.

Q. Did the man square off in a position to hit you? **A.** In my going out, he hit me on the head.

Q. Where were you when you were hit on the head? **A.** I was just through voting.

Q. Were you going out of the polling place? **A.** Going out of the polling place.

Q. And he stood inside when you was going out? **A.** He stood inside by the door and hit me on the head.

Q. What with, his fist? **A.** With his hat on my head.

Q. He hit his head against your head? **A.** He took his hat and hit on top of my head.

Q. Was it a silk hat, a high silk hat? **A.** No, it was a derby hat.

Q. What part of the head did he hit you? **A.** The front.

Q. On the crown? **A.** In front here.

Q. On the top of the derby hat? **A.** Yes, sir.

Q. Did it make a fracture of the skull? A. No, not exactly.

Q. It did not? A. No, sir.

By Senator Cantor:

Q. Will you explain what you mean by "Tammany heeler?"

A. Workers for Tammany; they are called heelers.

Q. Was that Tammany heeler as you call him a watcher; did he have a certificate? A. No, sir; he was working there.

Q. He was inside the guard-rail at the time you had the fracas with him in 1892? A. No, not the same man; he was not inside in the evening; it was another worker for Tammany; he was inside—the captain—called the captain.

By Senator Bradley:

Q. Did you ask the officer to arrest the man that hit you on the head? A. I did not ask him; I said, "Is this a nice way for a citizen to be treated?" and he stood next to me, and the policeman laughed.

By Chairman Lexow:

Q. Who laughed? A. The policeman laughed.

The Chairman.—That is all.

Joseph Gerardi, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside, Mr. Gerardi? A. Forty-five Crosby street.

Q. What is your business? A. Musician.

Q. Were you a Republican watcher at the election last fall?

A. Yes, sir.

Q. What was the election district? A. The third.

Q. The Third Assembly district? A. In Spring street.

Q. Do you remember the number? A. I do not remember it very well, but it is in Spring street, about 66 or 68; two doors from the corner of Crosby.

Q. Do you know who the policemen were that were in attendance there? A. I could not tell you; I know him by looking, but do not know his name.

Q. You know him by seeing him? A. Yes, sir.

Q. Could you tell his number? A. I do not know; I did not take his number.

Q. Did anything happen to you in regard to this policeman? A. The policeman told me to go out from the rail; he said I had

no business to stand in the rail, and go out, so I had to listen to him, and he was an officer, and I walked out, and a gentleman came in, Mr. Morris, and the other gentleman, he says you have got to stay inside; he said you have the power to stay there the same as anybody else, and then the officer he put me out again, and then the gentleman says you go inside, let the officer put you out, so the officer put me out of the rail, and I was back, and I stood outside the rail; then after a while Mr. Murray and the other friend, he went out to the captain and reported, and came down there and told him to put me back there again, and he told the officer, "I want that man to stay in there, and I want you to treat him well; he has the same power as anybody else:" so he went away, and I went there until night, when the poll was closed.

Q. What time of the day was this they finally got you back there? A. It was in the morning before 12 o'clock, I guess.

Q. Just before 12 o'clock? A. Yes, sir.

(No cross-examination.)

By the Chairman:

Q. How long were you away altogether? A. I was out of the rail from the time Mr. Murray went out to get orders from headquarters; I could stay there an hour; and they came back and made me get back of the rail again; that is all.

Adolph Guran, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Three hundred and ten East Eightieth street.

Q. What is your business? A. Cigar manufacturer.

Q. How long have you lived there? A. Six months.

Q. Where did you live last year? A. Three hundred and fifteen Seventy-eighth street.

Q. Were you a ballot clerk last year? A. Yes, sir.

Q. What election district? A. Sixteenth election, Twenty-second Assembly.

Q. Twenty-second Assembly and Sixteenth Assembly? A. Yes.

Q. Do you know who was the policeman in charge of that polling place? A. I don't know.

Q. Do you remember the names or numbers? A. No, sir.

Q. Did you see anything going on there under the sight of the police? A. Yes, sir.

Q. What was it? A. I seen some of the Tammany workers go ing in, both with some of the voters, and helping them to fold their ballots.

Q. Where was the policeman when this was done? A. He was inside.

Q. How far from the booths? A. Five or six steps.

Q. Did he see this? A. Yes, sir.

Q. Did anybody ask these Tammany workers to go in the booth? A. Well, people came in and brought them in, and they went right to them.

Q. The people went in that brought them there? A. Yes, sir.

Q. Do you recollect the election officers or inspectors of election asking these workers to go into the booth? A. No, sir; the inspector did not see them.

Q. Did these men take any oath before the inspectors that they were disabled? A. No, sir; they were not disabled.

Q. They could see; they had the use of their eyes? A. Yes, sir.

Q. And could use their hands and fingers? A. Yes, sir.

Q. They could walk? A. Yes, sir.

Q. And they did not take any oath before the inspectors that they were disabled? A. No, sir.

Q. And did not request any assistance? A. No, sir.

Q. The inspectors did not send any in there with them? A. No, sir.

Q. These men that brought them into the election booth walked right in with them? A. Yes, sir; walked all in with them.

Q. Where did you say the policeman was? A. He was standing around in the place.

Q. Within four or five feet? A. Yes, sir.

Q. And saw the things that occurred? A. Yes.

Q. This happened how many times? A. About three times.

Q. Then what did you do? A. I made a kick; I went to the Republican inspector, and he had it stopped.

Q. You finally had it stopped? A. Yes, sir.

(No cross-examination.)

Joseph Bonaparte, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Seventy-seven Ludlow street.

Q. How long have you resided there? A. Six years.

Q. And where is your voting place? A. Number 271 Broome street.

- Q. What election district is that? A. Twelfth.
- Q. In what Assembly district? A. Third.
- Q. That is Mr. Murray's district? A. Yes, sir.
- Q. Were you a watcher at the last election? A. Yes, sir.
- Q. In your own voting precinct? A. Yes, sir.
- Q. Who were the policemen in attendance there? A. Who was the policeman?
- Q. Yes; what was his name? A. I can not say; I did not know the name of any officers.
- Q. Do you know the numbers? A. No, sir.
- Q. Were you permitted to go—did you have any trouble about going behind the guard-rail? A. In the morning they did not allow me behind the guard-rail.
- Q. Who did not? A. The police officer.
- Q. What did he say about it? A. He said he had orders from the captain not to allow any watcher behind the rail; and then Mr. Murray and Mr. Smith came there and told me to go in.
- Q. When was that they got there? A. It was between 11 and 12 o'clock in the morning.
- Q. Had you been behind the guard-rail before that? A. No, sir.
- Q. Had you made any further attempt to go back there after the officer told you he had orders to keep you out? A. No; I did not attempt it until Mr. Murray and Mr. Smith came in and said I had a right to go in behind the rail, and the officer said I could not go in.
- Q. Did he say so? A. He said he had orders from the captain, or from whom it is—I did not pay any attention from whom he said he had orders—that he had orders not to allow watchers to go in behind the rail.
- Q. And Mr. Smith went to the police inspector? A. Williams came there, and he took my name, and said, "Have you had any trouble with the watcher?" and I said, "The only trouble I had was, I was not allowed to go behind the rail;" he said, "Officer, you allow this man to go behind the rails, as far as the ballot-box, and no further," and I did not have any trouble after that.
- Q. That was between 11 and 12 o'clock? A. Yes, sir.

By Senator Saxton:

- Q. Who is the captain of your precinct? A. I am the captain myself.
- Q. The police captain? A. Captain Devery.

John H. Trehwella, called and sworn as a witness, testified as follows :

Direct examination by Mr. Sutherland :

Q. Where do you reside ? A. Five hundred and thirty-six Eleventh avenue.

Q. And in what election and Assembly district ? A. Second election and Seventeenth Assembly district.

Q. Were you an inspector of election on last election day ? A. Yes, sir.

Q. As a Republican ? A. Republican.

Q. And as such you were a registry officer as well ? A. Yes, sir.

Q. Do you remember the fact that some houses on West Forty-second street and West Forty-first street were burned ? A. Yes, sir.

Q. On or about October 18th ? A. On October 18th, in the evening, about 8 o'clock.

Q. And how many voters were registered from those houses ? A. Twenty-five.

Q. And those voters had to take up their residence elsewhere ? A. I believe there was—I have a memorandum somewhere.

Q. If you have a memorandum you can give us the exact facts ? A. There were nine of them changed their residences to the Eleventh Assembly district, and nine changed their districts, and seven moved out of the election district and swore their vote in on election day.

Q. These seven that moved out of the district came and swore their vote in on election day; was the subject of their right to vote discussed before election day ? A. Yes, sir.

Q. And was it talked up among the officers when they came in to offer their votes ? A. Yes, sir; it was talked up on two registry days afterward.

Q. Between the last day of registration and election day, did one of the other inspectors make any report on the subject ? A. Not until election morning.

Q. Who was he ? A. Thomas J. McCann.

Q. What was his position ? A. One of the Tammany inspectors.

Q. And one of the Tammany inspectors of election ? A. Yes, sir.

Q. And on election day, when these men came to vote, what did he say or do ? A. On election morning, when the polls were opened, he declared these men ought to vote; and I said I had made inquiry and referred to the manual and they hadn't any right to vote, and he said he had seen Commissioner Martin,

and Commissioner Martin said that if they would take an oath that they would return and live in the district within one year that they had a right to vote.

Q. You told him you could not find any such provision in the law? A. I could not in the manual I was furnished with, and I went to Mr. Murray and asked him.

Mr. Nicoll asked to have the conversation with Commissioner Martin stricken out of the minutes.

The Chairman.—It is perfectly competent on an investigation of this kind.

Mr. Nicoll.—I ask to have it stricken out as hearsay evidence.

The Chairman.—The latter part will be, but not the part relating to Martin—Commissioner Martin.

Mr. Nicoll.—That is the part I ask to have stricken out, the rest of it I do not care anything about.

The Chairman.—Motion denied. His testimony will stand.

Senator Cantor.—For what it is worth?

By Mr. Sutherland:

Q. Who was the first one of these seven that came to offer to vote? A. Matthew Wheeland, 547 Amsterdam avenue, who moved to Amsterdam avenue between Ninety-third street and Ninety-fourth street outside of the election district; he came down to vote, and I said he had no right to vote; the Democratic inspector declared he had, and I told the Tammany inspector he had not; he asked for his ballots and I allowed him to get the ballots and come out and I challenged his vote, and he took his oath according to the manual and declared he was a resident of the election district, a qualified voter of that place, and I asked the policeman to arrest him, which he did; the Democratic inspector McCann went with the policeman and Wheeland to the station, but Price allowed the man to go; Captain Price told me afterward at the polling place that he could see no way to hold the man; and ever since that time on through the day, I did not see the use of having them arrested; and I challenged every one, and each one swore his vote in according to the manual.

Q. This Tammany inspector that went to the station-house with the first man that was arrested, what was his name? A. McCann.

By Senator Saxton:

Q. You saw this person take the oath prescribed by law in the manual? A. He took the oath that he was a legal voter of the district.

Q. Did you tell the officer? A. I told the officer I am going to challenge this man; he said, all right, when he comes out if you wish him arrested I will arrest him.

Q. Did you tell the officer he was not a resident of that district? A. I did; I told him that fact.

Q. And the officer heard him take that oath? A. Yes, sir.

By Senator Bradley:

Q. Did you appear before the grand jury in that case? A. No, sir; I stated the case to all the people in the district, and none of them seemed to take interest enough to carry it that far.

By Chairman Lexow:

Q. One moment; do you know whether any of those men were arrested or indicted for perjury? A. No man was ever arrested since, and no prosecution has been had; I know all the persons personally; this first man swore according to the oath that he would move back within a year, and this man Wellman had the lot and sold it.

By Senator Bradley:

Q. You say this man said that Commissioner Martin made the assertion that if he moved back and became a resident of the district within a year, he had a right to vote? A. That is what Inspector McCann reported, and that is what they all voted on.

By Senator Saxton:

Q. Was that oath administered to them, that they intended to come back and become a resident in a year? A. Yes; and they took the oath that they were qualified voters.

By Chairman Lexow:

Q. Did the policeman hear the statement that the president of the board had made such a finding? A. That I could not say.

John E. Gillig, called as a witness, but did not appear.

Henry Rosenthal, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your name? A. Emil Rosenthal.

Q. Where do you reside? A. Two hundred and seventy-two Rivington street.

Q. And you resided there last year? A. Yes, sir.

Q. Where did you vote last year? A. Eighty-six Columbia.

Q. Do you remember the number of the election district? A. The Fifth Assembly.

Q. That the Third Assembly district? A. I could not tell you, the Fifth Assembly.

Q. Let me ask you: Do you know Adam Reinhardt and Joseph Berger; is that the place where they vote? A. Down in a tin-smith's place.

Q. Could you give us the number of Columbia street? A. Eighty-six Columbia street.

Q. Yes, that is the same number; do you know an Adam Reinhardt? A. Yes, sir.

Q. Do you live in the same house with him? A. Yes, sir.

Q. And you vote in the same place where he does? A. Yes, sir.

Mr. Sutherland.—That, if the committee please, was one of the witnesses examined yesterday. I wanted to show it was the same polling place and the same policeman.

Q. Do you know the name of either of the policemen? A. No, sir.

Q. What time in the day did you go to vote? A. Between 10 and 11.

Q. What happened to you while you was there? A. When I went in the booth an officer came in and asked me for whom I voted; I said, "I don't tell you."

Q. Was it the police officer? A. The police officer.

Q. Wearing his uniform? A. Yes, sir.

Q. He came inside the booth? A. Inside the polling place.

Q. Did you ask him to go in? A. No, sir.

Q. Did anybody else ask him to go in? A. No, sir.

Q. Did you ask for any help? A. No, sir; he asked me if I could make it right.

Q. Who did? A. The policeman.

Q. Was that after he came in? A. Yes, sir.

Q. What was the first thing he said after he got inside? A. He said, "For whom do you vote?" and I said, "That is my business;" he said, "I help you so you wud get quicker done;" and I said, "I have 10 minutes time to fold up my paper," and afterward he came in again.

Q. He went out then, did he? A. Yes; he came in again, and said, "Young man, it is after 10 minutes, make hurry up;" I said, "If you bother me it will take still longer yet," so after, when I was done, he made some remarks, and called me some names; that is all.

- Q. What did he say? A. "Sheeny," something like that.
- Q. Where was that? A. When I went out of the booth.
- Q. When you went up to deposit your vote? A. Yes, sir; when I got out of the booth to give my vote to the inspectors he called me these names.
- Q. That was the police officer? A. The police officer.
- Q. Anything else? A. That is all.

Cross-examination by Mr. Nicoll:

- Q. Did he call you more than one name? A. No, sir; that is all the name he called me.
- Q. What did he call you? A. He said, "You lousy Sheeny."
- Q. That is all? A. Yes, sir; and I gave him a saucy answer as I was going out.
- Q. What did you call him? A. I did not call him any name; I said, "You are an officer, and you know better the rule than I, that you should not come in here."
- Q. That is when he was in the booth? A. Yes, sir.
- Q. You voted for whom you pleased? A. Yes, sir.

By Senator Bradley:

- Q. The officer did not go in with you, did he? A. When I went in, and afterward he followed me in.
- Q. How long had you been in the booth when he came in? A. About half a minute.
- Q. You did not ask him to go in? A. No, sir.
- Q. Nobody told him to go in that you know of? A. No, sir; I did not hear anybody tell him to go in.
- Q. You ordered him to go out? A. Yes, sir.
- Q. You didn't offer any violence to him? A. No, sir.
- Q. You didn't call him any hard names, did you? A. No, sir.
- Q. Although he did call you a Sheeny, you did not call him any hard names? A. No, sir.

By Chairman Lexow:

- Q. Did he tell you why he followed you in the booth? A. No; he wanted to know what party I voted for.

By Senator Bradley:

- Q. Did he offer you any ticket? A. No; outside he did.
- Q. You voted the ticket you wanted to vote anyhow? A. Yes, sir; they told me they gave a prize, I should take a paster and I would get in the evening a prize.

Q. They would pay you the way he wanted you to vote? A. Yes, sir.

By Chairman Lexow:

Q. You said the prize would be given to the man who succeeded in getting out the most pasters in the day? A. Yes, sir.

Q. And he said he wanted to know who you voted for—this policeman? A. Yes, sir.

Q. That is all he said? A. That is all.

Q. Did you show him who you were going to vote for? A. No, sir.

Q. Had you folded your ballots? A. One I had; the one I voted.

Q. Did he try to look at that ballot? A. He did try, but I did not give him any chance; he said, "Let me see," and I said, "It is not your business."

Q. Did he put his hand forward to take the ballot? A. He said "Let me see," and I said, "It is not his business," and he went out.

By Senator Saxton:

Q. Did he see the other ballots not folded? A. Yes, sir.

Q. Were they on the desk? A. Yes, sir.

Q. Did he look at them? A. I don't know whether he looked at them.

By Chairman Lexow:

Q. How long was he in the booth with you? A. I can not tell you exactly; he went out right away.

Q. You ordered him right out? A. Right out, and then he came out, and he came in again.

Q. How long after? A. About a second.

Q. A short time after? A. Yes, sir; that is all I told him; I never voted—

Q. You did vote? A. Yes; I did vote.

By Mr. Sutherland:

Q. You told him you would never vote any more if you had such trouble? A. Yes, sir; I told Mr. Reinhardt, and he said—

By the Chairman:

Q. Do you know who the officer was? A. No; I was too excited.

Q. Did you see his number? A. No; I was too excited.

Q. Have you seen him around there since? A. I don't look; I mind my business and go away.

By Mr. Sutherland:

Q. I understand they offered you a paster outside? A. Yes, sir.

Q. Who offered you that? A. I do not know who it was.

Q. How far from the booth was it? A. Right in the door of the booth.

Q. Where was the policeman then? A. The policeman was inside.

Q. And he did not stop a man offering you these pasters? A. He did not see it.

Samuel Shin, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? A. Two hundred and fifty-five East One Hundred and Fourth street.

Q. And whereabouts did you vote last fall? A. In the sixteenth election district of the Twenty-fifth Assembly district.

Q. Did you serve as a watcher? A. I served as a watcher in the fourteenth election district of the Third Assembly district.

Q. That is Mr. Murray's district? A. Yes, sir.

Q. Did you have any trouble about the position you occupied? A. Quite some.

Q. Who was the trouble with? A. Well, there were 33 names that were colonized by the Senator, Timothy D. Sullivan, and 200—

By Senator Cantor:

Q. Do you know that?

By Mr. Sutherland:

Q. I want to know what the trouble was? A. The trouble was this—

Senator Cantor.—I ask to have that stricken from the record.

The Chairman.—I think it proper to have it stricken out.

The Witness.—I know I wanted to challenge people that did not live in the election district, and that is what I am here for, and I have no show whatever to have my rights regarded there, for the very fact was this, that the place was swarming with

heelers; there were 10 or 15 heelers in the place; and I was the only representative of the Republican party at the time, with the exception of the poll clerk and ballot clerk and Republican inspector; they could not get any there at all.

Q. What policemen were in attendance? A. Two policemen.

Q. What were their names? A. I don't know.

Q. What were their numbers? A. I don't know.

Q. Did you attempt to challenge these men? A. I challenged about 15 of them, and that was all the good that it done.

Q. Did you point out the fact that they did not live there? A. I did.

Q. What did the policemen do or say? A. The policemen went outside and were chaffing one another, and stood around in the hallway and smoked cigars.

Q. Did you call upon the police to arrest these men? A. I could not arrest them, because I hadn't any warrants; I was executing warrants for Mr. Murray, and they could not arrest them.

Q. Did you have any difficulty in getting inside the guard-rail? A. I had all the difficulty I could get.

Q. Who, if anybody, interfered with your standing behind the guard-rail? A. The policeman himself did not know the law; he said I had no particular right; I had to stand outside the gate toward the street until Mr. John Sabine Smith came along with Mr. Murray and read the law to them; the policeman was ignorant of the law.

Q. What time of the day was that? A. It was between 10 and 11.

Q. Up to that time they did not permit you to go behind the guard-rail? A. I had all I could do to keep from getting from behind the rail.

Q. Could you go behind the guard-rail before that? A. No, sir.

Q. Did the Tammany men offer any violence? A. They did everything they could.

Q. What did they do? A. They intimidated me.

Q. Tell me how? A. They were around me and said, "You had better not be too fresh, or we'll make a case of you;" I can tell you something about that.

Q. That is just what the committee want to hear; give them the facts of what you saw and heard. A. I tell you what I saw; I saw a man come in there, and he voted three times on one man's name consecutively; the same man, from one house at 233 Broome street, I think it is; and there was 17 registered voters in there, and there was only three actual voters.

Q. You say you saw one man vote three times on the same name? A. Yes, sir.

Q. How long apart were these three votes? About two hours apart.

Q. Did you call attention to that fact, that the same man voted three times on that name? A. Yes, sir.

Q. Where were the policemen then? A. Outside.

Q. They went outside the room? A. Out in front of the door, in the street, talking about the topics of the day.

Q. Did you hear them talk? A. Certainly; they talked loud enough; I suppose I heard them.

Q. Did they hear you challenge the votes? A. I don't suppose they paid any particular attention.

Q. Were they so they could hear? A. There was a double-windowed store, and there was about five feet on the street; once in a while I could hear them talking.

Q. How far was that from you? A. About six or seven feet away from where I was.

Q. Could they see the man going in to vote? A. They did not pay any particular attention; it was all fixed up.

Q. Please answer what I ask you; were they where they could see the man when he come in? A. They could; but they did not want to see it.

Q. But the man came to the doorway where they stood? A. The door, as I told you; the store was about 12 or 15 feet deep, a double-windowed store, or about 20 feet front; there was only one door to come in; they stood outside the show-window; they generally do on election day; that was a fair day, and they aired themselves.

Q. They could see every person coming there? A. They could, if they wanted to; I don't suppose there was anything to prevent them, especially.

Q. You say this man came three times within a couple of hours each and voted for the same name? A. Yes, sir; and I challenged some 30 odd votes.

Q. Did you challenge this man? A. I did.

Q. And they swore him in? A. They swore him in each time, and accepted his vote.

Q. What was the next challenge?

By the Chairman :

Q. Did you challenge on the ground that that man had voted before? A. I did, sir; and made a specific charge to the inspector of election, and the evidence was given to Mr. Murray about that district; there was one particular case of a man of the name of Matthew Whelan, and he was the first man I challenged; and I said, "I challenge your vote;" and the chal-

lenged man ran off outside, and some of the heelers came along and got him up; an hour afterward I went into a closet in some other house, and while I was away they ran the fellow in and voted him.

Q. Now, were the police inside of the room at any time during the day? A. Well, they were in occasionally, when it required it, just to say they were doing something.

Q. You say the room contained a good many workers? A. I should say, the captain of that election district, Shapero, he employed 10 or 15 people that day; they were in sometimes four or five at a time.

Q. How far from the booth? A. One went inside the booth.

Q. Where were the policemen when these four or five men went in? A. They did not pay any particular attention.

Q. They did not eject them? A. Not at all; I challenged them, and that is all the good it did; one of the heelers went into the booth and picked up his tickets; this man's tickets.

Q. Went into the booth with the voter? A. Yes, sir; and I protested against it, and the policeman said, "You had better go out after that."

Q. Where was the policeman? A. He was standing inside by the window; and it was only when I protested on one or two occasions, "Officer, if you don't stop this, I will have you locked up," and when I turned my back the same thing was done over.

Q. When he stood by the window did you challenge the heeler on account of his going inside the booth? A. I did; the Republican inspector said, "I don't want anybody coming back here;" it was after they got into a little wrangle, and I protested, and he was going to order me out; the Tammany man interfered, a fellow of the name of Bloomer, and the policeman said, "You had better go out," and I said, "I am not going out," and he said, "You are creating too much guff here."

Q. Which policeman said that? A. One of the two; both of them belonged to Captain Devery's precinct; I was too excited, or otherwise I would have taken the number.

Q. Now, did any other of these occurrences happen while the policemen were in the room? A. One time when Inspector Williams came around I told the officer if things did not change that I would inform Inspector Williams, and Inspector Williams came around while I was talking to some men about the law, and as I was going to say something Inspector Williams walked away; it was done so fast my attention was called away from it, because I was waiting for warrants to come along for 30 arrests, and they voted after swearing in their votes; I was afraid if I went away and had them locked up they would repeat by the bushel.

Q. Did any of these other circumstances occur while the policemen were in the room? **A.** The circumstances are these, that there were three men; I went around and verified his statement; one named Jeremiah White and one named Edmund Booth, who lived on the corner—you see what classic people they were—and one fellow of the name of Irving, another one that lived in that house; and I protested, and he said, "All you can do is to swear in the vote;" the officer said that; the policeman said, "Let them swear in their votes."

Q. Was there any other circumstances happened in the presence of the police? **A.** That is all I can recollect at the time being.

Cross-examination by Mr. Nicoll:

Q. You are quite a partisan in politics, are you not? **A.** I am always on the right side.

Q. Do you call yourself a partisan in politics? **A.** I call myself a good American citizen.

Q. I have no doubt about that; but you know that there are some men who feel more deeply on party questions than others. **A.** Provided it is honest, I believe in politics.

Q. Are you a Democrat? **A.** Never was.

Mr. Sutherland.—Could not be after what he has just stated.

Q. Are you a Populist? **A.** I am a Republican.

Q. You say in the election of 1892 you were living in One Hundred and Fourth street? **A.** I lived there since 1891.

Q. When did you live down town? **A.** Well, I lived—the last time I lived in the old—it used to be the "Old Ate;" I lived there off and on when I was a boy, about 30 odd years; the last time I lived there was in 1888.

Q. The old eighth used to be a Republican district, didn't it? **A.** At one time.

Q. When you lived there? **A.** When I lived there.

Q. Who was the Republican leader in that district at that time? **A.** John J. Brown.

Q. Are you a member of this association? **A.** Well, I did not like his class of politics altogether, although a Republican, although I helped to elect the ticket as much as I could by voice or action.

Q. Were you a member of the Barney O'Rourke Association? **A.** I am not very sorry I was not.

Q. You were not a member of that? **A.** I was not.

Q. That was a Republican organization at one time? **A.** Well, they were Republicans for revenue only.

Q. Are there such Republicans? **A.** There are just as good Tammany heelers to-day as there were Republicans then.

Q. What is your occupation? **A.** Well, I am a small cigar-maker on a small scale.

Q. How long have you been manufacturing cigars? **A.** Well, I have always been a journeyman, until about 15 months ago.

Q. You mean a journeyman cigarmaker? **A.** A journeyman cigarmaker; yes, sir.

Q. Now you have gone into business in a small way and you say on a small scale? **A.** I suppose I will have to get out of it if things keep on.

Q. For what reason? **A.** I suppose on account of the Cleveland times.

Q. What other occupations have you had? **A.** Well, occasionally I take the stump in the fall of the year for the Republican party.

Q. You are a stump speaker? **A.** I presume I am.

Q. Are you what is known as a "spellbinder?" **A.** Well, yes; I can bind a "spellbind" if necessary.

Q. You can do that? **A.** Yes, sir.

The Chairman.—I think this is too serious a matter to joke about, Mr. Nicoll. The tendency of your question is to make it ridiculous.

By Senator Cantor:

Q. You call yourselves "spellbinders?"

The Chairman.—We understand the motives of the question.

By Mr. Nicoll:

Q. What other occupation have you besides being a "spellbinder" and a cigar manufacturer? **A.** Isn't that enough, being a cigar manufacturer and "spellbinder?"

Q. Have you any other? **A.** Not at present; it requires a good many to make a living.

Q. You have none other? **A.** Not at present.

Q. Have you had any others? **A.** Not to my knowledge.

Q. No one would know better than you, would they? **A.** I don't presume they would.

Q. When was your first participation in politics? **A.** Well, it is quite a number of years; I guess about 16 or 18 years ago.

Q. Have you held office? **A.** I ran for office several times.

Q. Were you never successful? **A.** No, I was not; I was not on the right side.

Q. For what office did you run? **A.** For Member of Assembly.

Q. In what district? **A.** In "De Old Ate."

Q. In what year? **A.** In the year 1878, 1879 and 1882.

Q. You ran three times ? A. Yes, sir.

Q. Have you been a candidate for any other office ? A. Not to my knowledge.

Q. Have you ever held an appointive office ? A. No, not outside; I was being engaged by the State committee in the last presidential election; that is last year.

Q. Engaged by the State committee ? A. Yes, sir.

Q. In what capacity ? A. As a speaker.

Q. Not for revenue ? A. Well, you know, not for revenue; that is a peculiar question you ask me.

Mr. Sutherland.—I object; the question he asked was, whether this gentleman ever held an office.

Chairman Lexow.—I do not think it is material whether this witness received compensation for his services or not.

Senator Saxton.—It would not affect his character whether he received compensation or not.

The Witness.—Nobody works for nothing, Mr. Nicoll.

Q. When did you vote on the morning of election day of 1892 ?

A. I voted—in 1892, you mean ? I am talking of 1893.

Q. In 1893, then ? A. I voted in the afternoon between 3 and 4; I left Delancey street, where I was stationed, and a watcher of the Fifth Avenue Club took my place; I left the place I guess somewhere around 3 o'clock; a number of votes had already been cast.

Q. Didn't you vote uptown ? A. After that I had time until 4 o'clock; it only takes me 25 minutes to go up there; I stayed down town until after 3, and then went up to vote.

Q. Was this the old stamping ground for yourself, where you were a watcher ? A. Well, yes.

Q. Was that a familiar place to you; did you know the citizens there ? A. I was not confined to any particular election district, but I was that day; I was stationed there all day; I thought you had reference to the previous year.

Q. I understood in 1893 you were a watcher ? A. Yes, in that same place.

Q. I ask you whether you knew the people there ? A. No; that was a strange election district; I know some of the people there.

Q. It was a strange district for you ? A. Strange for doing work there.

Q. Had you ever been an election officer in that district ? A. Not previous to that.

Q. Did you know personally the election officers that day ? A. I know two of the inspectors and one of the poll clerks.

Q. You knew them before ? A. Yes, sir.

Q. Friends of yours? A. Yes, sir; one was a particular friend of mine; one I associated with.

Q. What is that? A. One was a particular friend I made; I have so many; one was particularly a friend, that I know more particularly than the others—Mr. Bessemer.

Q. He was an old friend? A. Of some few years acquaintance.

Q. And others you were acquainted with? A. Yes, sir; but slightly.

Q. Did you know the voters, generally, in that district? A. I know what quality they are; I do not know them, though.

Q. You know what I mean by my question; were you acquainted with the voters? A. Very few.

Q. At what hour was it that the officer said to you that you were getting off too much "guff?" A. That was between 9 and 10.

Q. Between 9 and 10? A. Yes, sir.

Q. Had you given them any "guff" up to 9 o'clock? A. I only asserted my rights as a watcher and a citizen.

Q. Did you make a speech? A. Make a speech?

Q. Yes? A. You don't suppose they make speeches in the election district, do you?

Q. Some of them do? A. I don't.

Q. Did you read the law to them? A. I know the right and wrong.

Q. Did you read them the law? A. I was not engaged for that purpose that day.

Q. What did you do; what was the cause that the officer stated to you that you were giving too much "guff?" A. Because I protested against a number of repeaters and colonized voters there; and my duty was to prevent these people from voting, if I could.

Q. You made yourself pretty unanimous, altogether, that morning, didn't you? A. Well, rather.

Q. You undertook to run the whole election, or part of the election officers? A. No; I undertook to do what was right.

Senator Saxton.—I would not assume anything like that, Mr. Nicoll.

Q. Were you allowed to remain in the election precinct all day, inside the guard-rail? A. Not until Mr. Sabine Smith came along with Mr. Murray, and they told the officer to push me right in, and Mr. Smith said my right is in there; and the officer did not want to do it first, and Mr. Smith read the law to him, and the officer was ignorant of the law.

Q. After that did you remain within the guard-rail? A. Well,

yes, when occasion required it; when I wanted to go out, I would go out to see all things were right.

Q. But you were allowed access inside the guard-rail after that?
A. Not until I got this notice from Mr. Smith when he came there, and told the policeman of his duties, and reminded him of his duties.

Mr. Nicoll.—That is all.

By Senator Bradley:

Q. Did the officers offer any violence to you during the day?
A. No, I guess they wouldn't try it.

Q. Do you know the officer that was there? A. I did not take the number because I was a little excited; but I do generally, when I have got anything, keep a memorandum of them.

Q. Did you report to any authority about these repeaters?
A. Well, Mr. Bradley, I told you we knew the repeaters were there two weeks before election, and these reports were given to Mr. Murray, and Mr. Murray went down before District Attorney Nicoll and made these charges and brought them before the grand jury.

Q. Are you positive Mr. Murray did that? A. Yes, sir; and Mr. Coughlin organized the colonization of that district and illegal registration.

Q. You were not brought before the grand jury? A. I was; I gave the statement to my inspector, and he gave it to Mr. Murray, and he made a memorandum of it.

Q. You never was summoned before the grand jury? A. No, sir; not as a witness.

By Mr. Nicoll:

Q. Were you a socialist candidate at one time? A. Yes, in 1878.

Q. What ticket did you run on? A. I did not run on the Socialistic ticket, but the Central Labor ticket, and was indorsed by the Socialists.

Proceedings of the fifth meeting of the committee, March 24, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, George W. Robertson and Jacob A. Cantor.

Same appearances as before.

John Marz, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Twenty-four Division street.

Q. And were you an officer at the last election? A. I was a ballot clerk.

Q. A ballot clerk in what? A. In the first election district of the Third Assembly.

Q. The first election of the Third Assembly? A. Yes, sir.

Q. Who was the poll clerk? A. Mr. Goldstein.

Q. Who was the Republican inspector? A. Mr. C. A. Dias.

Q. What policeman was in attendance at that polling place on that election day? A. I could not tell you the number.

Q. Can you tell the name? A. His name—one name was Adam.

Q. Is it Adam Raidick? A. I don't know the full name.

Q. The first name was Adam? A. Yes.

Q. You may tell the committee whether any request was made this policeman?

Mr. Sutherland.—Twenty-four Division street is the residence.

Q. What is your business? A. Machine embroiderer.

Q. Was this policeman asked to arrest anybody? A. In the morning there were two men in one booth, and I requested him to part them a couple of times, and he wouldn't do it; all I was told was to shut up.

Q. Who told you that? A. The officer.

Q. This Adam? A. The only one that was inside the polling place all day.

Q. And his first name was Adam? A. He is known by the name of Adam; I could get the number of the officer by next session; I could easily find it out.

Q. You say there was two men in the booth? A. Two men in the booth, early in the morning, and we could not separate them.

Q. How do you know there were two men in the booth? A. I see them, and when I called his attention to that, instead of walking up to the booth, he walked to the door.

Q. He walked away from the door? A. Yes, sir.

Q. What did you tell him? A. I called his attention that there was two men in one booth together, and I wanted them separated.

Q. And what did he say? A. To shut up.

Q. And then he walked away from the booth? A. He walked toward the door.

Q. Was that away from the booth? A. Yes, sir.

Q. Did you ask him again? A. About this time the men came apart themselves; they were done.

Q. What else did you do so far as the police were concerned? A. The same officer in the afternoon — a man came in, and I recognized the man, that he was in before and voted the second time; he was dressed up different, and before he came in and had no overcoat on, and when he came in the second time he had an overcoat on much too short for him, and a brand new silk muffler, and I recognized him, and I was just — there was just a row with the other ballot clerk, and finally he went into the booth, and when he came out I protested against the man's vote being taken, and there was a little row, the inspectors all of them; and I asked the officer to arrest the man three times, and he would not do it, and finally the man walked out of the door.

Q. The man did not finally vote? A. He did vote; but the chairman accepted the vote.

Q. You requested the policeman to arrest him three times, and he declined? A. Yes, sir.

Q. Did you see anything happen to the poll clerk, Isaac Goldstein? A. Yes, sir; he challenged a man's vote, and there is — I think he was sub-captain of Tammany Hall, and he got into a fight and called him all kinds of names — "a big stiff," and all kinds like that and told him he did not know his business, and he should mind his business, and he invited him to come outside in the street to settle it.

Q. Where did this man stand that said these things to Goldstein? A. He stood inside the door, right in front of the railing.

Q. Right in front of the guard-rail? A. He wanted to get over it, but the policeman would not let him do it.

Q. Where was the policeman? A. One was inside the rail, and one standing at the door.

Q. How far was the one inside the rail from Goldstein? A. He was just about half way from the door; he was standing opposite the place where the ballots was.

Q. How far was he from Mr. Goldstein? A. Ten or 15 feet.

Q. How many feet from the other man that was talking; he saw him, did he? A. He might have been 8 or 9 or 10 feet, I can not tell exactly.

Q. How far was this man Goldstein — how close was he to him? A. Just about as if Mr. Goldstein was standing here with the ballots, and this side Mr. Goldstein was sitting at the table with the other poll clerk, and the railing was over that side where that wall is.

Q. About as far as from where you sit to the wall? A. Yes, sir.

Q. Did the policeman say anything to this man that was threatening Goldstein? A. Not that I could remember; I had too much to attend to all the time; I had to keep my eyes on the ballot clerk, and on the other side I had my eyes on the ballot clerk.

Q. What was the name of this man that was threatening Mr. Goldstein? A. Harry Johnson.

Q. Was he the Tammany captain? A. He was sub-captain; one Tom Sullivan was captain.

Q. He was around there all day? A. Yes, sir; nearly all day.

Q. And worked all day? A. Nearly all day, as much as I could see of him.

Q. How near did he come to the guard-rail? A. This Johnson?

Q. Yes. A. He was just outside the guard-rail, but up to it.

Q. Was he there frequently during the day? A. Mostly all the time.

Q. Was he a watcher and had a certificate, so far as you know? A. He was not a watcher; there was another watcher that stood behind the chairman of the board inside the rail.

Q. That was the Tammany watcher? A. Yes, sir.

Q. Where did the Republican watcher stand? A. About 9 o'clock the Republican watcher came, and there was a dispute about he had no right inside the guard-railing; there was a young officer that relieved the outside officer that was outside, and he said he had a right inside the guard-railing, and the same policeman I had a fight with all the time said he hadn't a right inside, and the Tammany captain says he has only a right inside when the vote is counted, he had no right there before; so when I called attention to the man that was there when the polls opened, standing by the chairman — the Tammany watcher — and finally both went outside the railing, but it did not take long before the Tammany watcher was inside again standing behind the chairman, and so the Republican watcher came in and they stood there all day and nothing was said again.

Q. That is all? A. Oh, I have more; then it was early in the morning, about 8 o'clock, the repeaters started to work, and finally when the right man came into vote their names were voted.

Q. That is, somebody had already voted? A. Some men insisted they wanted their vote, and the chairman could not give it to them, and he said he wanted to ask somebody of this thing, and know a little more about the law, and finally Inspector Williams came around, and the question was submitted to him, and he said, if the name is voted on already it can not be voted on again, no matter whether it is right or not; and finally a man insisted on voting, and he went down to Judge Andrews and he got an order to vote.

By Senator Bradley:

Q. Did he vote? A. Yes, sir; I think seven or eight voted by the order of Judge Andrews.

By Chairman Lexow:

Q. How many men who were entitled to vote were not permitted to vote, that had registered their names and they had been previously voted upon? A. There was about 25, there was wrong votes cast before the right voters came; I am not sure now.

Q. So about 18 men were disfranchised on that day in that election district, because somebody before had voted improperly on their names? A. Yes, sir.

Q. Were those men challenged who voted improperly on other men's names? A. Early in the morning; it was not found out until the right party came in and wanted to vote, and that was found out it was voted on their names; I am not sure whether it was seven or eight who voted by order of Judge Andrews; but there was from what I would judge about 25 repeaters that were voted altogether; in one instance there was one man, I think his name was Scott, and he came in and said his name was Scott; just as he received the ballots from me another man came in and said, "I am Scott," so there were two of the one name; the man was called back, and it had to be found out which was the right man, so the chairman said that the man who came in first was supposed to be the right man, and was allowed to vote; the other man was fired out, and was willing to go out; in the meantime, later on, it was proved that neither of them was the right party.

Q. That neither was the Scott entitled to vote there? A. May be the other one that came in was not the Scott either.

Q. How far away from those two Scotts was the policeman standing at the time when a dispute arose as to which was the right Scott? A. It would not be more than 5 or 10 feet.

Q. Was the conversation in such a tone of voice that the policeman must have heard? A. Yes, sir; because I remember the chairman of the board saying: "What is the difference, anyhow, which man votes?"

Q. Who made that remark? A. The chairman of the board.

By Senator Bradley:

Q. The chairman of the inspectors? A. Yes.

By Chairman Lexow:

Q. You say you saw two men in a booth and called the policeman's attention to it? A. Yes.

Q. Would you be able to recognize those men now? A. Not if the men were together; I can recognize the man I challenged, because I have seen him since.

Q. Do you recollect who it was that was with him? A. No, sir; neither of them asked for assistance; they came in together in a body, and they went right in one body.

Q. Was one or other of them a worker at the polls there? A. No, sir.

Q. Do you remember their names? A. No, sir.

Q. Did you challenge? A. I could not tell who the man—the officer would not do anything, anyhow; I just called his attention that he should separate them.

Q. When this man who had voted once came back the second time to vote, did you challenge him? A. Yes, sir.

Q. And the officer said, "What are you challenging him for?" A. He acted about the same way as on the two others.

Q. That was what? A. I wanted him to arrest a man, and he stood there like a wooden Indian.

Q. He refused to do anything? A. He refused to do anything.

Q. Did he say anything? A. He said nothing.

By Senator Bradley:

Q. You testified he said something before about shutting you up. A. That was when I called him to separate the two men in the booth.

Q. That was the first time? A. Yes.

By Chairman Lexow:

Q. What tone of voice or bearing did he assume when he told you to shut up? A. Kind of low; just as he passed me; just as he passed me he told me to shut up.

Q. He did not pull out his club? A. No, sir.

By Senator Bradley:

Q. He did not pull out his club? A. No, sir.

By Chairman Lexow:

Q. You shut up, I suppose? A. That is all I could do.

Cross-examination by Mr. Nicoll:

Q. What time in the morning was it this incident occurred about the man going in a booth with a voter? A. Together?

Q. Yes. A. It was about a quarter to 7 or half-past 6, or quarter to 7; it was right from the beginning; there was two before that he separated.

Q. What? A. The first, about seventh or eighth man, went in two together, but those he separated right away as soon as he seen them.

Q. Who separated them? A. The same officer; but then two more came in that he would not separate; that was about half-past 6 or quarter of 7; it was right in the morning.

Q. I understand you to say that there was two men that came in and started to go into the booth together and the officer separated them? A. He did not separate them two that went in together; early in the morning, the first—

Q. The first two he separated, didn't he? A. The first two.

Q. He separated? A. Yes, sir.

Q. And the next two? A. They wanted to go in together, and he turned around, and as soon as he see it, he told each one to go in a separate booth.

Q. What is that? A. The first two voters came in.

Q. Two voters came in? A. Yes; and they wanted to go in the same booth.

Q. They happened to go into the same booth? A. They wanted to go in together.

Q. Did you hear them say anything about wanting to go in; or did they start to go in? A. The officer opened the door, and started to pull him out.

Q. Did you hear either one of the voters say anything about wanting to go into the booth together; or did they just start and go into the booth at the same time? A. Yes, sir.

Q. That is the way it happened? A. Yes, sir.

Q. Then the officer pulled one of them out? A. Yes, sir.

Q. And leaving one man in one booth, and another man in another? A. Yes; and one in the next one.

Q. Did it impress you that they had gotten in the same booth accidentally, in their haste, or something of that sort? A. Not those two, but the two that came after.

Q. The next two? A. Yes, sir.

Q. How did they go in? A. They followed into the same booth together; they walked in together; they were behind one another.

Q. They had their own tickets, didn't they? A. Yes, sir;

they were two voters; it was not a worker; it was not to assist him; they were two voters.

Q. It was two voters that got into the booth together? A. Yes.

Q. And they finally came out, didn't they? A. The second two; no, sir; they only came out when they were finished.

Q. They folded their ballots in the same booth? A. Yes, sir.

Q. And then voted? A. Yes, sir.

Q. Were those the only two sets of voters? A. These are the only two sets that went into one booth, except those that asked for assistance.

Q. Except those that required some assistance? A. Except those that required some assistance.

Q. Now, did you ask the officer to arrest any of the Scotts? A. No; I did not.

Q. Did you hear anybody ask the officers to arrest any of the Scotts? A. The Republican inspector, he made a big kick.

Q. Did you ask him to arrest him; I am not asking whether he made a big kick or not; I ask, did he ask him to arrest him? A. I did not hear him.

Q. You were present all the time? A. I had to watch the other ballot clerk at the same time.

Q. Had he demanded the arrest of the voter, you would have been able to hear it, wouldn't you? A. I did not hear it.

Q. You did not hear it? A. No, sir.

By Senator Bradley:

Q. If he had demanded it, you would have heard it? A. I could have heard it probably if I was not just busy; in one instance a man came in and he asked him where he had his ballots; "How about the pasters?" the Democratic poll clerks went over to the door and wanted to give it to him; I took the paster out of his hands and the man threw down his ballots and walked out; I had to keep my eyes on both sides.

By Mr. Nicoll:

Q. Were you a Republican ballot clerk there that day? A. I was a ballot clerk.

Q. Were you not a Republican ballot clerk? A. I was a ballot clerk.

Q. Who were you nominated by? A. By the police inspectors; I don't know; I got my notice and went down there and got sworn in and acted as ballot clerk.

Q. Who sent you down? A. I got a notice from police headquarters to go down.

Q. Weren't you the Republican representative there under the statute? A. Yes, sir.

Q. Why did you hesitate to say it a moment ago? A. Why, I could be just the same time an independent man, couldn't I.

Q. Don't you know the law provides the Republican party shall have its representative there? A. Yes; I was the Republican.

Q. You are sure of it now, aren't you? A. Yes, sir.

Q. What is your business? A. Embroidering.

Q. What do you embroider? A. You had better come up to the shop with me.

Q. Election stories, did he say?

Chairman Lexow — Don't try that.

Mr. Sutherland — Don't ask him such a question.

The Witness.—I advise you to come up to my shop with me and look at it; we embroider different things; I do not embroider election blanks or anything of that sort.

Q. You don't embroider election blanks? A. No.

Q. Where is your shop? A. One hundred and sixty-nine Greene street.

Q. What do you embroider there? A. Anything they want embroidered — robes.

Q. You embroider anything? A. Robes or anything — that is, clothes.

Q. What is that — clothes?

Mr. Sutherland.—Anything that is cloth, he says. He specified clothes as an example.

Q. Has Mr. Sutherland ever been there? A. I have not seen him there yet.

Q. He seems to know so much about it?

Mr. Sutherland.—Even in the country we have work that is embroidered occasionally.

By Chairman Lexow:

Q. One moment, did you protest against two being in the booth the second time you speak of? A. It was the second time, the second time they wanted to go in, but he pulled him separate before they folded the ballots; but the second man he would not separate them, and did not separate them until they were through finishing their ballots.

Q. You say you did not tell the officer to arrest any of these two Scotts who tried to vote improperly? A. No, sir; I did not.

Q. Why didn't you? A. Why any kick that was made did not stop the man going in and out.

Q. You mean to say your duties were too onerous at the time to permit of your doing it? A. Yes, sir.

Q. You say the Republican inspector kicked; what do you mean by that expression; what did he do? A. When those two men came in because each one said he was Scott, so the Democratic inspector said the first man might go in; he was called back; he had his ballots already; he was called back, and he was permitted to go in again, and he said it wouldn't make any difference anyhow.

Q. Were neither of these two Scotts challenged? A. The inspector challenged them.

Q. And was the Scott who voted compelled to swear his vote in? A. I could not swear to that question, because I did not look around.

By Senator Bradley:

Q. Didn't you say that you challenged one of the Scotts? A. Yes; I challenged Michael J. Murphy, that was his name.

Q. Couldn't there be two Scotts in one district? A. They did not prove to be two Scotts.

Q. What was their Christian names? A. I am not sure whether it was Scott; I won't positively swear it was two Scotts; there was so many coming in; the inspector, he has a notice of it.

Q. You did not know whether there was two Scotts registered or not? A. No, sir.

Q. You did not have a registry list, did you? A. I did not.

Isaac Goldstein, called as a witness, being duly sworn, testified as follows:

Q. Where do you reside? A. Thirty-four Division street.

Q. What is your business? A. Salesman.

Q. And were you the poll clerk on last election day of the first election and Third Assembly district? A. Yes, sir.

Q. You are the Isaac Goldstein referred to by the witness, John Marz? A. I think so.

Q. Who was the policeman in attendance on that election day? A. Well, I know his first name is Adam.

Q. Don't you know his last name? A. No, sir.

By the Chairman:

Q. Do you know his number? A. No, sir.

By Mr. Sutherland:

Q. He says he don't know his last name; did you hear these requests that have been testified to that the policeman should arrest

repeaters; did you hear the policeman asked to arrest anybody?
A. No, sir; not as I remember.

Q. You did not hear that; what was the name of the Tammany captain there that day? A. Tom Sullivan.

Mr. Nicoll.—That is the same election district?

Mr. Sutherland.—The same case, yes.

Senator Cantor.—What Assembly district is this, Judge?

Mr. Sutherland.—Third.

Q. What was the name of the subcaptain there? A. I could not tell his name.

Q. What was the man that had some trouble with you? A. Henry Johnson, known to be a bunco steerer.

By Mr. Nicoll:

Q. How do you know the man was a bunco steerer?

Mr. Sutherland.—You can cross-examine the witness later on; I have not finished with the witness.

By Mr. Sutherland:

Q. Where was this man Harry Johnson at the time of the difficulty? A. He was standing at the gate of the polling place.

Q. And how far from you, Mr. Goldstein? A. He was about 15 feet.

Q. And did you challenge a vote; what was the occasion of the disturbance? A. I challenged a vote, and there was a special officer there at that time, and I had challenged a vote.

Q. What was the special officer's name? A. I could not tell you; I don't know as I would know him if I saw him again; he relieved that regular officer by the name of Adam.

Q. And you challenged the votes? A. I challenged the vote.

Q. What did Johnson do? A. He tried to attack me by jumping over the gate, but he was stopped by this officer, and he told me he would wait until he got me outside, and he would finish me; I told him he had no business there, and the officer didn't say nothing; he only stopped him.

Q. Stopped him from going over the rail? A. Stopped him from going over the rail.

Q. Had this Johnson a watcher's certificate? A. Not so far as I know.

Q. Did he claim to be an official in any way? A. No, sir; not that I know of.

Q. Not that you heard of? A. No, sir.

Q. You objected to his being there? A. Yes, sir; I objected to his being there..but the policeman I suppose —

Q. And when you made that objection he did not show any certificate to show any authority to be there? A. No, sir.

Q. But the officer allowed him to remain? A. Yes, sir; the officer allowed him to remain.

Q. Tell the committee all he said. A. Well, when I had challenged this vote, he told me to keep my mouth closed; and told me I had no business to say anything, I was poll clerk; I told him to go out of the polling place, as he had no business there himself; when he attacked me, or attempted to jump over and come for me, the policeman stopped him, and that was about all that was done.

Q. When did he tell you he would see you outside? A. That was after the policeman had stopped him.

Q. What reply did you make to that? A. I told him to go about his business.

Q. Did he go? A. No, sir; he stood where he was.

Q. Was he inside the voting place all day? A. Yes, sir; all day.

Q. Did he give any attention to the voters as they came in, and interfered with them in any way? A. There was a few repeaters there, and when they wanted to go in and vote there, he told the inspector they had no business—they should vote again.

Q. Told the inspector what? A. He had no business to stop them from voting.

Q. Told what inspector? A. The Democratic inspector; the chairman, at least.

Q. Where was the policeman then? A. That was the special officer there; he was in the polling place.

Q. How far from this man Johnson, or this man who told the inspector to let the man vote again? A. About three feet.

Q. What was there that called out that remark from Johnson; did somebody object to these men as being repeaters? A. Yes, sir; the Republican inspector, Mr. Dias, had objected.

Q. He objected, and Johnson said to the Democratic inspector he should let them vote again? A. Yes; and also Tom Sullivan.

Q. And also Tom Sullivan said that? A. They wanted to attack the inspector, and in fact myself, at that time also.

Q. What did they say about that? A. They said that the inspector had nothing to say; they could vote after some people had voted on their names; we stopped until they got the mandamus.

Q. Some men came in whose names were voted on and a mandamus was procured; this special officer, was he far from Johnson and Sullivan when he told the Democratic inspector he was to receive those votes? A. About three feet.

Q. And how far was he from the Republican inspector? A. About the same distance.

Q. So he could hear this challenge, and protest, and comment from Mr. Johnson? A. Yes, sir.

Q. Did he interfere with them, with those repeaters, in any way? A. The officer?

Q. Yes, sir? A. No, sir.

Q. Do you remember the incident of the Scotts coming in together? A. No.

Q. You don't recall that? is there any other circumstance you recall in connection with the election day, in which the police were connected, or in regard to which they were present?

A. Not as I remember.

Cross-examination by Mr. Nicoll:

Q. Did I understand you to say that after the challenge had been made that the persons challenged went to the Supreme Court and got mandamuses requiring them to vote? A. Yes, sir.

Q. And did Johnson insist that those persons whom the Supreme Court afterward mandamus'd the inspectors allowed to vote—were those the ones he said should vote? A. Yes, sir; whenever they received a mandamus.

Q. Those were the men he said should vote? A. Yes, before they had received the mandamus.

Q. And they afterward got a mandamus and did vote, did they not? A. Yes, sir.

Q. Where was the bunco steerer when they were voting? A. He was standing outside the gate.

Q. What did you say his name was—Johnson? A. Harry Johnson; I was told he was a bunco steerer.

Q. What is a bunco steerer? A. What is a bunco steerer?

Q. Yes. A. I suppose similar to a confidence man; it is not necessary for me to explain what a bunco steerer is.

Q. What is your idea of a bunco steerer? A. I was told he was a bunco steerer; that is all I know about it.

Q. That is about all you know about it? A. I suppose getting people in and robbing them.

Q. Had he ever tried to bunco you? A. No, sir.

Q. Or any of your friends? A. Not as I know of.

Q. All you know is that is an epithet you heard applied to him? A. Yes, sir; that is all I know; I heard it.

Q. And you have applied it here in regard to him? A. Yes, sir.

Q. You only know it by reputation, don't you? A. That's the only way; I have seen him before, and know he was a bunco steerer.

Q. What is his business? A. I don't know what his regular business is; I suppose steering people into a place and robbing them of what they have got.

Q. Why did you suppose it; did he ever steer you into a place? A. No, sir; I told you, no, sir.

Q. And did he ever steer any of your friends? A. Not as I know of.

Q. Did any of your friends ever tell you they had been steered by him? A. No, sir.

Q. You know nothing about it, except what you have picked up? A. That is all; I just heard a little talk.

By Mr. Sutherland:

Q. You never heard anybody contradict that he was a bunco steerer? A. No, sir.

By Mr. Nicoll:

Q. Did you ever tell him he was a bunco steerer? A. No, sir.

By Chairman Lexow:

Q. How many were mandamused? A. I think there were about six or eight.

Q. How many voters were there who wished to vote found their names had been voted on previously? A. That is the amount — six or eight, that had received their mandamuses.

Q. Do you know as to whether or not during that day there were as many as 25 whose names had been voted upon by persons not entitled to vote on those names? A. Yes, sir; there were about that number; but there was only six or eight that received mandamuses; but the repeaters, there was about 25, I suppose.

By Senator Bradley:

Q. Do you know, the day you saw these repeaters voting or attempting to vote, you called upon the officers to arrest them? A. No, sir; I never requested the officers to arrest them; I only requested the officer to arrest Harry Johnson.

Q. The one you called the bunco steerer? A. Yes, sir.

Q. Is Harry Johnson at large yet? A. Yes, sir.

By the Chairman:

Q. Did you know at the time these men were voting on improper names? A. No, sir.

Q. It was only afterward when the real voter on the name came forward that you knew that fact? A. Yes, sir.

Peter D. Fisher, called as a witness, being duly sworn, testified as follows:

By Chairman Lexow:

Q. Mr. Fisher, why was it you did not attend upon the summons as a witness for the past two sessions of this committee? A. Because the evidence that I could furnish you is not important enough, I thought, to come down here.

Q. Was any attempt made to interfere with your attendance here? A. No, sir.

Q. Nobody suggested to you to remain away? A. No, sir.

Senator Lexow.—Well, you might as well know, and all other witnesses, that it is not a question for the witness to consider as to whether or not their testimony is material; the committee will decide that after hearing the testimony.

Mr. Sutherland.—The witness also ought to know that if anybody attempts to interfere with or intimidate him, that person will be guilty of contempt of the Senate.

Mr. Nicoll.—Why should that be insisted upon when the witness in answer to the questions of the chairman says no human being has attempted to interfere. He simply says he chose to decide himself that his testimony was not necessary.

Senator Bradley.—The counsel in my opinion merely wants to warn other people.

Mr. Nicoll.—When a case arises when some interference has taken place it will be time enough.

Mr. Sutherland.—There is a witness now in the courtroom who is now under that sort of terrorism.

Chairman Lexow.—I think it might be as well understood, if there is any question of interference or terrorism that this committee will go to the full extent of its discretion and ability to punish in the most rigorous manner known to the law any attempt at terrorism, or any efforts at intimidation used against any witness, and it will follow it up; at least, I will attempt to have it followed up to the fullest extent of the law.

Mr. Nicoll.—I think that is certainly a very proper resolution on the part of the chairman of this committee; but with all respect I protest against this impression being created that any such thing has been done. Now, I have offered to assist the counsel of this committee in getting any of his witnesses at any time; and at the very outset of this investigation I offered, so far

as the police department was concerned and those whom I represent, to facilitate the committee in every way. I have not been asked to do anything. I have always been ready to do it; but as for my clients being charged with interference with the free approach to the sessions of this committee of any one of their witnesses, such a thing is absolutely impossible, and no one would think of such a thing.

Chairman Lexow.—I do not understand such a charge was made. It was simply called out by a remark made by Mr. Sutherland that there was a witness here who was terrorized, and it was called out to express the resolution of this committee not to permit any terrifying of a witness, and if he is terrified, he is unreasonably so.

By Mr. Sutherland:

Q. Where do you reside? A. Three hundred and fifty-two East Fifteenth street.

Q. What is your business? A. Furniture.

Q. Where did you vote last election? A. Thirty-fifth election district; Fourteenth street, between First and Second avenues.

Q. What Assembly district is that? A. Tenth.

Q. What policeman was in attendance at that voting place? A. I don't know.

Q. Do you know his number? A. I did not look at it.

Q. Did you see him there when you went in the booth? A. I saw an officer sitting on my left.

Q. How far from the voting booth? A. Well, one of these half stores—a barber shop, about 12 feet wide, or 11 feet, or something in that neighborhood; there was a railing right across.

Q. Across one end of it? A. Across the store; a kind of railing; the officer sat on the inside in the corner of the railing, and here was the entrance you had to pass in to get the ballots.

Q. Please tell us so we can get it down on the record, how far was the officer from the voting booth that you went into? A. I should judge about eight feet.

Q. About eight feet away; was he sitting with his face toward the election booth? A. Sitting with his face toward the side I went in.

Q. What happened you as you went into that booth? A. I must go to the right now; we are not at the booth; we are by the railing now, toward the booth; I had to pass through that railing to get my ticket; when I got to the railing there was gentleman standing right at the side, outside of the railing, and

he handed me a paster, a very light one, and the man held it down like that (indicating); I said, in a low tone, "What do you mean;" he took it in and said no more, and I got my ticket, and went in and voted.

Q. Do you know the name of this man? A. I do not; he was not there when I went out.

Q. He went away when you went out? A. He went away before I went out.

Q. Did you look at the paster to see what it was? A. I did not; I did not take it; I am sorry I did not.

Q. You could not tell what kind of paster it was, then? A. I could not tell; no, sir.

Q. Did you make any complaint to anybody about it? A. I did not.

(No cross-examination.)

By Chairman Lexow:

Q. Did any policeman see this being done? A. That I could not swear to.

Q. How far was he away? A. About eight feet, I should judge; somewhere about that.

Q. Was he looking in your direction? A. He was looking there, that way; but whether he was looking at me I don't know.

Q. Do you know whether the person who handed you this ballot was a worker—a political worker? A. He had no badge on.

Q. Would you recognize him if you saw him again? A. I don't think I would; he was a dark-complexioned man, and stood about five feet eight.

Q. Could you say whether he was doing that right along, or whether it was simply a single case? A. This was only in the case I was speaking of; when I came out he was not there; he had disappeared.

Canute A. Dias, being called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 32 Division street.

Q. What is your business? A. Proof-reader on the Christian Enquirer.

Q. Were you an inspector of election at the last election? A. Yes, sir.

Q. In what election district and what Assembly district? A. The first election district and the Third Assembly.

Q. The same district in which Mr. Goldstein was a poll clerk, and Mr. Marz was a ballot clerk? A. Yes, sir.

Q. What policeman was in attendance in that district? A. Adam Raddick.

Q. Was this policeman requested to make any arrests? A. He was requested by the ballot clerk to make an arrest.

Q. For what reason? A. For false voting.

Q. What did the policeman say to the ballot clerk? A. He said nothing; he paid no attention to him; he ignored him.

Q. Was that the case of one of the men who was repeating? A. Yes, sir; one of the many repeaters.

Q. Did you make any objections? A. Yes, sir, I protested from the time the polls opened, until they closed.

Q. How many times did you make that protest? A. Forty or 50 times.

Q. Did you recognize any of the men as having voted a second time? A. Yes, sir.

Q. Did you speak of that fact? A. Yes, sir.

Q. You made a statement of that fact to the officer? A. I called the chairman's attention to it.

Q. Where was the policeman? A. He was in the polling place.

Q. What did he say or do? A. He said and did nothing whatever.

Q. What did the chairman say? A. He said he was the board; that he constituted the board, and whatever he said went; the Republican inspector was here through courtesy only.

Q. The Republican inspector, he said, was there through courtesy? A. Yes, sir; by courtesy of the Democratic inspectors.

Q. What did the policeman say about this protest? A. He said he meant to be fair-minded; he whispered to me that he meant to be fair-minded; but he was directed to take his orders from the chairman of the board.

Q. Did he say who directed him? A. No, sir; I understood though it was from his superior.

Q. But he told you that he was directed to take orders from the chairman of the board? A. And during the time the legal voters were clamoring for their rights, the captain of the precinct came down in a coach, and stopped in front of the door, and got out of the coach, and he stood there laughing and talking with the Tammany Hall captain, and the voters inside were clamoring for their rights to vote, and he paid no attention to them.

Q. What was his name? A. I think it was Captain Devery.

Q. You say this was while the repeaters were coming in and trying to vote? A. Yes, sir.

Q. And while you objected? A. Yes, sir, and also Inspector

Williams came down, and the question was put to him, if a man's name had been voted upon that when the man presented himself to vote, whether he had a right to vote, and the inspector said there could be only one vote on a name, and the result was the chairman governed himself accordingly.

Q. And afterward when the right person came to vote, the chairman would not allow him to vote? A. No, sir; that was previous and after, too.

Q. How many men were there who came and found that somebody else had voted on their names? A. Thirty—30, at least, from the record that I have.

Q. You have a record, have you? A. Yes, sir.

Q. And some of these afterward voted upon a mandamus? A. Yes, sir; seven of them did.

Q. Only seven out of 30? A. Yes, sir.

Q. And the other 23 were not permitted to vote? A. No, sir; they were not allowed to vote.

Q. How many of these did you know personally? A. I did not know them personally; I knew them only by sight; I remembered them from registration days.

Q. How many of the 30 did you recognize as being genuine voters? A. Whose names were voted on?

Q. Yes; how many of the 30 did you recognize as being the right man? A. Fifteen at least.

Q. Was there any particular circumstance that impressed it upon your recollection, in regard to any one of those voters? A. Well, for instance, one man came in under the name of Scott, and presented himself, and apparently it was all right by the book registration and so he went to get his ballots, and on his way to get his ballots, another man came in and gave the same name.

Q. The first name and all? A. Yes, sir; the same name and the same address and the chairman said, "You don't seem to have learned your lesson very well; get out of here."

Q. Who said that? A. The chairman of the board.

Q. Where was the policeman at that time when he said that? A. He was right there.

Q. How far away from him was he? A. The distance was much nearer than I am to you.

Q. Only a few feet away; where he could have heard all that was said? A. Yes, sir.

Q. Did the policeman attempt to interfere? A. No; he hustled him out; under the circumstances he had to.

Q. But he did not arrest him? A. No; no arrests whatever were made.

Q. What other circumstance particularly impressed itself on

your mind? A. In the case of Barnes, an old gentleman of 34 years of age; when he registered he said he was born in Marblehead, Mass.; the old gentleman had long flowing locks, and there was a lull during the time of registration when he came in that afternoon, so he conversed with the inspectors, and to show how active he was for an old gentleman he got up and danced and whistled Yankee Doodle; we could not help but remember it, and on the day of election a young man of about 22 or 23 years of age came in, and offered to vote on his name; I protested, and the chairman said, "I was there through courtesy; that I had got along through registration very well, and that now he hoped that I did not wish to create any trouble or else I would be suppressed."

Q. Where was the policeman? A. He was there all the time.

Q. Did he hear the talk that was going on? A. He must have heard it, he was near enough to have heard it, but this party, the young man, was allowed to vote.

Q. He was allowed to vote, notwithstanding your challenge, was he? A. Yes, sir.

Q. Did you insist upon his swearing his vote in? A. Yes, sir; it made no difference whatever; he swore that he was the right party; and a portion of the time when I would protest, the chairman administered no oath at all; or he simply might have said, "You are the right party; go on and vote;" at any rate when this young man —

Q. How long was it after that before the old man came in? A. It might have been two or three hours perhaps, and he thought it very strange that he should be disfranchised when he was told that he had voted.

Q. Who told him that he had voted? A. The chairman; the chairman said, "Your name has already been voted upon," and the old man said, "That is strange; I have not been here," and the chairman said he could not help that.

Q. Did the old gentleman still have his flowing locks? A. Yes, sir; he had.

Q. And he presented the same general appearance when he came to vote that he did on registration day? A. Yes, sir.

Q. There was no possibility of mistaking him, was there? A. No, sir; the chairman said, "Your name has been already voted on," and he said, "I have not been here at all before," and the chairman said, "I can't help that; your name is voted on;" and the old gentleman said, "I have voted for sixty years, and I think this is strange, that I should now be disfranchised," and he said, "Well, we can't vote but one name," and the old man said to the chairman, "Don't you remember me," and the chairman said, "Yes," and the other Democratic inspector also recognized him,

and so did I, and even then, the man was not allowed to vote; after the entire board had said that he was the right party, and that they recognized him and then he went down to Judge Andrews and mandamused the board, and came back to vote; he was one of the seven.

Q. He got a mandamus? A. Yes, sir; I would like to say in regard to the policeman in the polling place, that there were changes during some of these occurrences during the day.

Q. How many different policemen were there during the day? A. Three.

Q. Do you remember the names of the others? A. No, sir.

Q. Who was the Republican watcher there? A. I forget what his name is.

Q. Was he permitted to go inside the rail? A. Not at first.

Q. Where was the Tammany watcher at that time? A. The chairman stood at the side of the guard-rail—the position of the board on which the ballot-boxes were, was right at one end of the guard-rail, and the chairman of the board stood at the side of it and outside of the guard-rail stood the Democratic watcher.

Q. Where was the Republican watcher standing? A. Nowhere at that time; he was thrown out.

Q. Who threw him out? A. The crowd, the Tammany Hall captain of the district, who was in there—he was authority for everything.

Q. Where was the policeman when this man was thrown out? A. He was right there.

Q. Did he interfere to protect him? A. No, sir.

Q. Do you remember an instance when Mr. Goldstein challenged some votes? A. Yes, sir.

Q. What happened then? A. The Tammany captain attempted to jump over the rail.

Q. What was his name? A. I think it was Johnson.

Q. Did you ever see Johnson before that? A. Yes, sir; I have seen him very often.

Q. Do you know his business? A. No, sir; I do not.

Q. You say he made a move to jump over the rail? A. Yes, sir.

Q. And the policeman did what? A. He interfered in that case; he did stop him and prevent him, and then his man threatened him that as soon as he got him outside that he would "do" him.

Q. Did the policeman remove him from the room—remove Johnson? A. No, sir; he stood right where he was.

Q. Was Johnson round there all day? A. Yes, sir; he had been around there all day.

Q. Working for his ticket? A. Yes, sir.

Q. Did he claim to be a watcher or have a certificate? A. No; he presented none.

Q. Did Goldstein object to his being there? A. When Mr. Goldstein was objecting to the reporters, Johnson interfered, and said that Goldstein had too much to say; and Goldstein said, "It the place of all citizens to object to false voting," and Johnson used not only threatening but vulgar language, and made an attempt to jump over the rail to reach him, and he said that he would injure him, and he was big enough to have done it.

Q. He is a large man, is he? A. Yes, sir; he is a large man, and stout.

Q. What did he say after the policeman prevented him from jumping over the rail? A. He threatened that he would see him afterward on the street.

Q. What did Goldstein say to that? A. He quieted down; I don't know whether he was alarmed or not.

Q. Did he make any reply? A. In the course of the excitement he said he could take good care of himself, or something of that kind.

Q. Is there anything else? A. Not especially; except the general fraud, of course.

Q. Describe any case of fraud that you saw there that came under the observation of the police? A. There were 25 or 30 names voted on, 20 names that did not vote, and four or five attempts were made to vote on each of those names; there were 20 names less than the entire registration, and four or five attempts were made to vote on those names.

Q. What do you mean by four or five attempts? A. Four or five parties.

Q. Four or five parties who tried to vote on the same name? A. Yes, sir.

Q. What became of those parties? A. They would come in and present themselves and the chairman would probably have allowed them to vote —

Q. Never mind that, but did you object to them? A. Yes, sir; and that several did.

Q. Did the policeman interfere with those men; did he try to arrest them? A. No; there were no arrests made at all.

Q. He took no steps to check those people from coming in and voting? A. No, sir; not that I could see.

Cross-examination by Mr. Nicoll:

Q. Where did you first meet Mr. Johnson? A. I met him in the Tribe of Red Men.

Q. Where? A. In the Improved Order of Red Men; a secret society; I saw him there; he was a member, and I was a member.

Q. Is that an order or society of which you are a member? A. I have been; it is a secret beneficial order.

Q. It is a beneficial society? A. Yes, sir.

Q. Was he an officer of that society or only a member? A. A member of it.

Q. When did you meet him there? A. I met him in the lodge room; I saw him there.

Q. When? A. Eight or ten years ago.

Q. As much as 8 or 10 years ago? A. Yes, sir.

Q. Were you on pleasant terms with him? A. No, sir; no more than any other member of the order.

Q. He was a member of that benevolent order in good standing, was he not? A. I suppose so.

Q. Where did you next see him after meeting him in that order of Red Men? A. On the street.

Q. Did you talk with him? A. Yes.

Q. Did you meet him anywhere else? A. Well, I met him on the street; I didn't talk with him any more than as a casual acquaintance; as a member I would casually meet and recognize him; I had no connection with him.

Q. The fact that you did differ in politics has not estranged you at all? A. No, sir; I never dickered in politics at all.

Q. I did not say "dickered;" I said differed? A. No, I didn't know but the gentleman was of the same party that I was, previous to that.

Q. I understood you to say that Mr. Johnson on election day represented the Democratic ticket? A. I said I didn't know but what he had been of the same party that I was before that.

Q. What party was that? A. The opposite party; the Republican party.

Q. Was Mr. Johnson once a Republican? A. No, sir.

Q. It has been said that Mr. Johnson was a bunco steerer, how about that? A. I don't know what his business was.

Q. You are a member of the same society and you used to see him at the meeting of the lodge; did you ever hear that he was a bunco steerer? A. It is my duty to cast the veil of charity over the occupation of a brother member.

Q. I ask you whether or not you ever heard anyone except this witness who preceded you by one or two, claim that Johnson was a professional bunco steerer? A. I don't know that he was; I do not know his business.

Q. How often have you been inspector of elections? A. For 12 of 15 years.

Q. Have you read the law relating to your duties? A. Yes, sir.

Q. You took an oath before you undertook to perform your duties, did you not? A. Yes, sir.

Q. As an intelligent man, earnest man, have you endeavored to acquaint yourself relating to the duties of the office of inspector of elections? A. I have always endeavored to do so.

Q. You knew perfectly well that the suggestion that you were present or permitted to remain during election day, as a member of the board of inspectors, as a matter of courtesy was a joke did you not? A. It was rather a serious joke as I looked upon it; that was one of the statements made, that I was to be ignored.

Q. You knew, as a matter of fact, the rights which the law gave you? A. Yes, sir.

Q. You knew that nobody could ignore you, did you not? A. I knew that I was in the minority, and that whatever I said no attention was to be paid to it.

Q. There were two other inspectors who outvoted you, if it came to a question of a vote; that was about it, was it not? A. No, not to a vote, but to a decision, as a statement by the chairman.

Q. If it came to a question of voting, the two outvoted one? A. Yes, sir.

Q. And if it came to a question of talking, two could out-talk one? A. Yes, sir; and if it came to the interpretation of the law, two could interpret it according to their own opinion.

Q. What do you understand — there has been a good deal of talk here about police officers not doing certain things; do you understand that the inspectors of election are charged by the statute generally, with preserving order and controlling the management of affairs at the polls? A. They ought to do so.

Q. You did not understand that inspectors of election, who are sworn officers, took orders from the policemen, did you? A. Not supposed to.

Q. They gave orders to the policemen? A. They ought to.

Q. Is not that the law? A. It is the law.

Q. And policemen must obey the orders of the election inspectors, must they not? A. Yes, sir.

Q. That is your understanding? A. Yes, sir.

Q. And if the majority of election officers order a policeman to do a certain thing, he must do it, should he not? A. He should.

Q. And the law says he must? A. The law says he shall.

Q. He can not set up his own opinion of the law against the sworn inspectors, can he? A. Well, he should not.

Q. How many policemen were there at that day that place?
A. Three, not counting the one on the outside.

Q. That made four? A. That I do not say; I know he was out there, but when I speak of the policemen I refer to those inside.

Q. You say there were three- altogether? A. There were three changes during the day.

Q. What were the hours upon which each one went away?
A. From the time the polling place opened, from 6 o'clock until 4, and then the one on the outside came in after the polls were closed, and stayed until the ballots were counted.

Q. But one was there all day long? A. Yes, sir; unless he was relieved; he was relieved.

Q. Do you say he was relieved? A. Yes, sir.

Q. What I was trying to find out from you was, how long he was there? A. The one whose name I mentioned, by the name of Adam Raddick, was there the most of the three.

Q. How long was that? A. From 6 o'clock to 4; that is 10 hours.

Q. Was he there all that time? A. No.

Q. That is what I am trying to find out? A. He was there probably seven hours of the 10; the other two officers took up the other three hours.

Q. Was this transaction, in regard to attempted false voting, going on during the seven or the three hours? A. Going on during the 10 hours.

Q. Were they more frequent just before the polls were closed?
A. No; it commenced from the opening of the polls until it closed.

Q. Was there any period of time when they were more frequent than at other times? A. Hardly any lull in the method; if you would like me to explain the method of how it was done, I would like to do so.

Q. Have you not already done that pretty intelligently? A. Well, not fully covered it, I do not think.

Q. I think we all understand it pretty well from your description of it; it is quite lucid; do you mean to say it was going on all the time? A. Yes, sir.

Q. Will you tell the name of some one voter, which you required as an inspector of elections, that the police officer should arrest? A. I made no request; I asked for no arrest; the fraud was evident; you have just told me that the majority of the board ordered the policemen to arrest, and the majority does not.

Q. Oh, no; you did not understand that; did you understand

that any inspector might give a direction to a police officer? A. Yes, sir; if the majority of the board go against that inspector, he is overruled, and the officer makes no arrest.

Q. Did the majority request the officer to arrest? A. No, sir; never.

Q. Did not? A. Never.

Q. Did you, representing the minority, request the officer to arrest any voter? A. I certainly did call his attention to the fraud.

Q. I want to know his name if you did ask him to arrest any particular person attempting to vote fraudulently? A. It was not necessary to ask him to arrest, when the officer saw the fraud committed.

Q. That is your own conclusion? A. No, sir.

Q. What we want to know in proper justice to the officer is — A. No, I don't know that I called on any special name.

Q. Whether or not you said to him, "This is an evident attempt at false voting, make this arrest?" A. No, but when I had seen the ballot clerk ask the officer to arrest a fraudulent voter, and he had refused, I thought it was unnecessary for me to call on him, on the statement of the chairman that I was to be ignored entirely.

Q. You knew you could not be ignored, did you not? A. I was ignored.

Q. You were ignored, but you had a right to stay, you had a right to challenge? A. Yes, sir; and I did challenge.

Q. You challenged all the time, did you not? A. Yes, sir; where they were wrong I did.

Q. You were not ignored then to that extent? A. No, I was allowed to challenge, but the challenge didn't go.

Q. Because you were not allowed to control? A. There were two against me.

Q. That is the reason, you were in the minority? A. Yes, sir; I was in the minority.

Q. And the majority ruled; that is about the size of it, is it not? A. The majority was wrong in that case.

Q. Well, of course the majority often seems wrong to the minority? A. It was not a seeming wrong, it was a positive wrong; I have not lived 17 years in the district without knowing some of the fraudulent voters.

Q. Where is this garden spot where they start at the rising of the sun with fraudulent voting? A. I don't understand what you mean by the "garden spot."

Q. What part of the city is it? A. In the lower part of the city.

Q. Where is it, what streets? A. The boundary of Division and the Bowery.

Q. Division and Bowery and what else? A. And Chrystie street.

Q. Bounded on the north by what? A. Bayard street.

Q. On the south by what? A. The exact geographical boundary and the latitude, and so on, I don't know.

Q. You do not know how it is bounded north and south, and east and west? A. No, sir; I never studied the question, as to the position of the district.

Q. You know generally how it is; it is Division street, Bayard and Bowery and what else? A. It can be easily seen by anyone who attempts to go to it.

Q. Yes; if you get to this place you can see it? A. Yes, sir; if you know where you are going, you will know when you get there, if you know the land marks of the city, the Bowery and Division streets.

Q. Was your attention ever called to this provision of the law, relating to elections in the city of New York, as to the great powers possessed by inspectors of elections and the control which they exercise over the police—see if you have heard of this; “the inspectors of election in each election district in the city and county of New York while discharging any of the duties imposed upon them by this chapter, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration, revision of registration, or election, during the time of any registration, revision of registration, election or canvass, estimate or return of votes; to keep the access to such place open and unobstructed; to prevent and suppress riots, tumults, violence, disorder, and all other improper practices, tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration of voting, or the canvass, estimate, or return of votes, and to protect the voters, challengers, and persons designated to watch the canvass, of any ballots, from intimidation or violence, and the registers, poll books, boxes and ballots from violence and fraud; and appoint, or deputize, if necessary, one or more electors to communicate their orders and directions, and to assist in the enforcement thereof?” A. Is that the revised copy?

Q. That is the copy under which you operated at the last election; I ask you now whether or not you are familiar with that provision of the law? A. In a general way, yes.

Q. Something was said by the learned counsel for the committee in your direct examination as to persons being within the guard-rail, not properly authorized to be there; do you under-

stand that inspectors of election have the right to admit persons within the guard-rail? A. Provided they have the proper certificates.

Q. No; without certificates? A. If they are proper parties to be admitted within the guard-rail.

Q. Yes; that inspectors have the right to admit persons within the guard-rail to preserve order, for instance? A. Yes, sir; to preserve order.

Q. Or if there is any apprehension of disorder? A. Well, what about the policeman who is there.

Q. Here is the law; "no person shall be admitted within the guard-rail, during such period, except inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order, or enforce the law, persons duly admitted for the purpose of voting, and persons duly admitted to assist the disabled voters?" A. Yes, sir.

Q. "And in the city of New York, persons lawfully designated by candidates to be present within the guard-rail, who are electors, selected by the inspectors, for the purpose of preserving order?" A. No, sir.

Q. There were no such people there? A. No, sir; Mr. Johnson was standing by the rail; he attempted to get over, but he could not get over.

Q. I understand you to say that Mr. Johnson invited Mr. Goldstein to go outside, did he? A. That was the natural sequence of the row.

Q. Was there that sequence? A. Yes, sir.

Q. Did they go outside? A. He knew better for two reasons.

Q. Who knew better, Mr. Johnson? A. No, Mr. Goldstein; Mr. Goldstein certainly did not go out for two reasons; first, that probably he might have been unable to cope with Mr. Johnson, and secondly, he would have neglected his work as an election officer.

Q. His work as election officer came to an end in the fullness of time; after he got through, did he go out?

Mr. Sutherland.—I object to that as irrelevant. Of course the man had to go out afterward. (Objection sustained.)

Mr. Nicoll.—I wanted to know whether there was any combat between him and Mr. Johnson when he went home.

Chairman Lexow.—We are not at all curious upon that point.

Mr. Nicoll.—If the committee do not wish me to go into that, I shall not undertake to differ with them.

By Mr. Sutherland:

Q. You also understood from the reading of this statute that the peace was to be preserved at the hand of the inspectors, by

the arm of the policeman? A. It has always been so from year to year that the policeman should preserve order.

Q. You never knew the inspectors to go out with a club and to preserve order in that way? A. No, sir; he would be entirely outside of his duty to neglect his ballot-box to go out and fight or to arrest people.

By Mr. Nicoll:

Q. Did you testify on your direct examination that when you called the attention of the policeman to this attempted false voting, that the other inspectors ordered him not to arrest any one? A. No, sir; I did not say so.

Q. The chairman did not say that? A. No, sir.

Q. What did the inspector say when you spoke of that? A. He said the man was right and proper, and it was all right for him to vote, and everything was all right.

Q. Then they did not give the policeman any orders? A. No, sir; they gave him no orders to arrest anyone.

By Chairman Lexow:

Q. At one point in your testimony you said that the inspectors of election conducted the election, and you say at another point that the Tammany Hall captain was authority for everything; what do you mean by the statement that the Tammany Hall captain was authority for everything? A. The Tammany Hall captain represented the majority of the board; whatever he said had to be considered as a correct statement, and the minority inspector could not enforce anything.

Q. You mean both the inspectors of election and the policemen obeyed the Tammany Hall captain? A. The policeman obeyed the two Tammany Hall inspectors.

Q. And the two Tammany Hall inspectors obeyed the orders of the Tammany Hall captain? A. Yes, sir; himself being a Tammany Hall captain, and the other inspector worked together.

Q. Who do you mean by himself? A. There were only three inspectors, two Tammany Hall inspectors, and one was a Tammany Hall captain.

Q. The captain of the district? A. The chairman of the inspectors.

Q. When you said that the Tammany Hall captain was authority for everything, what did you mean? A. I meant that whenever he desired to go into the polling place he did so; that whatever he wanted was done; it seemed that they all worshipped him; bowed down to him.

Q. They obeyed his directions? A. Yes, sir; directly obeyed him.

Q. Was this character of voting that you have mentioned characteristic of the entire day's proceedings? A. Yes, sir.

Q. From the commencement of the opening of the polls until the closing of the polls? A. Yes, sir.

Q. You have stated that there were repeaters; now, do you mean by that that in addition to men voting upon the names belonging to others, there were also men who voted more than once? A. No, sir; I do not.

Q. Then you mean there were fraudulent votes, but not repeating? A. There was attempted repeating, but there was no repeating, or else there would have been more ballots than the registry called for.

Q. You challenged them? A. Yes, sir.

Q. And they were ruled out? A. I was overruled.

Q. When you challenged, did you mean to be understood as saying that the chairman of the board did not require the challenged voter to swear in his ballot? A. He paid no attention to it; he said that he knew that that was the correct party.

Q. And the policeman heard that? A. He certainly must have heard it; he was right there.

Q. And he saw that he did not administer the oath to the voter? A. He attempted to administer an oath; he mumbled something when I pressed a challenge very strongly; I know he never referred to the manual at all, which gives the regular oath to be administered, but he muttered something to the voter, and says, "It is all right, go right in; we are the people; we count."

By Senator Bradley:

Q. Did you see the Tammany captain bring in any of the outside repeaters? A. Yes, sir.

Q. Did he go into the booth? A. No; I would not allow it, unless there was disability; that was a question where I stood on my rights, and I would not have deafness or some such thing, or a lame leg, be a question of disability.

Q. In all cases where you tried to prevent the men going into the booth did the policeman assist you? A. No; the Tammany men were pretty intelligent, and they had it all their own way, and they thought it best to let that alone.

Q. Including the bunco steerer? A. I do not know whether he is a bunco steerer or not.

Q. This Johnson, what office did he hold; was he a captain or assistant captain? A. Assistant captain.

Q. What was the captain's name? A. Thomas Sullivan, a relative of Mr. Kennedy; I had had trouble with him the year previous.

Ralph Nathan, called as a witness, was duly sworn and testified as follows:

Direct examination by Mr. Sutherland.

Q. Where do you reside? A. Twenty-six Rutgers street.

Q. What is your business? A. Lawyer.

Q. Were you nominated for any office at the last election? A. I was nominated prior to the last election.

Q. For what office? A. Judge of the District Court.

Q. Of what judicial district? A. The fourth judicial district of New York county.

Q. On what ticket were you placed? A. The Republican ticket.

Q. Who was the Democratic nominee? A. George F. Roesch.

Q. Then you undoubtedly became interested in the proceedings on election day? A. I did.

Q. Did you visit more than one election district? A. I visited more than my own Assembly district.

Q. You visited nearly all the election districts in the judicial district? A. I guess about three-fifths of them.

Q. Which polling place did you visit first? A. I guess I went around to the first election district of the Third Assembly district first, and then I went around in their order.

Q. You found the police there, did you, at the different election districts? A. I did not find them at all the polling places.

Q. How many polling places were there at which there were no police in attendance? A. Probably one-third of the polling places.

Q. And up to what hour in the morning did it continue; how late in the day? A. I started out 6 o'clock in the morning, and had no recess until 4 o'clock in the afternoon until the polls were closed, and during the entire time the officers were absent from their places; that is at about one-third of them.

Q. The absence of an officer from an election district, so far as your experience goes, continues during the entire day? A. Yes, sir.

Q. But in about two-thirds of the places you found policemen present, did you? A. Yes, sir.

Q. Did you observe anything in regard to the conduct of those policemen? A. At the sixth election district, at about half-past 6 in the morning, the Republican watcher was not allowed

within the guard-rail, and I told the officer that the pamphlet which the police commissioners issued and which the inspectors had there permitted the watcher within the guard-rail.

Q. You mean the statute which governs this matter? A. Yes, sir; and the police officer said he did not care about the pamphlet, but that he received his instructions not to allow anyone beyond the election officers within the guard-rail.

Q. Did he say from whom he had received those instructions? A. No, he did not.

Q. Did you prevail upon him to allow the watcher to come within the rail? A. I spoke to him for some time, and it was of no avail.

Q. You failed to succeed? A. Yes, sir.

Q. Did you observe anything else at that election district? A. I was there about 1 o'clock when the Republican captain of the eleventh election district of the Third Assembly district had followed—well, I don't know what to call him—but he was a man who was allowed to vote more than once, and the captain followed him to the sixth election district, and he said there that this man had voted four times, had voted at four different polling places, and he demanded his arrest, and a number of the Tammany heelers put him out, and the officer was there, but he did not interfere with him.

Q. How near to the officer did the Republican captain stand when he made this statement? A. He must have been within about three feet of him.

Q. Within three feet of the policeman? A. Yes, sir.

Q. How near was the Republican captain to the inspectors of election of that district? A. I guess he was about nine feet from them.

Q. And then, within the hearing of the election inspectors and the policemen, he declared that he had himself followed this man, and observed he had voted at four election districts? A. Yes, sir.

Q. And he desired his arrest? A. Yes, sir.

Q. Do you say then that he was hustled out? A. Yes, sir; I guess that is a term that you can apply.

Q. Describe how it was done? A. The Tammany henchmen around the Third Assembly district have a peculiar method of putting a man out; you can not make a particular charge of assault against them, hardly, but they push them out, and hustle them out; they have probably 10 heelers at every election district, and the polling place is generally narrow and small, and they can fill up a place and push you out.

Q. Were those men all inside the polling places? A. Yes, sir

Q. How far from the policeman did you stand, when this took place? A. I was right in the doorway of the polling place.

Q. How far from that was the policeman? A. Three or four feet.

Q. Were you hustled out, too? A. No; I was not hustled out, because I was not on the inside; I stood in the doorway, but when he was put out, I made room for him to go out.

Q. Did anybody arrest this repeater? A. No; no arrest was made that I know of.

Q. Did the man vote at that election district? A. He did.

Q. Notwithstanding the protest that was made by this Republican captain? A. I suppose it was the oath mumbled over, but it did not sound anything like it.

Q. You did not hear anything that sounded like an oath? A. No, sir; I did not.

Q. Did anything else occur at that sixth election district? A. No, sir; nothing that I know of now.

Q. Do you remember a young man by the name of Fred Platt? A. Fred Plate?

Q. What happened in regard to his vote? A. About 20 minutes to 4 o'clock in the afternoon he told me that they refused to allow him to vote in the twentieth election district of the Third Assembly district, because somebody else had voted under his name; it was then too late for me to go to the Superior Court for a mandamus, but I went to the polling place with him and I told him to demand a set of ballots, and the Tammany inspector did not say anything; he then demanded them once more, and nothing was said, and then I told the inspector that he had a right to vote, and he ought to order the ballot clerk to give him the ballots, and the Tammany inspector said, "His name is checked off as having voted, and we can not have him vote again;" I said, "You ought to remember a man's name, and the man who registered under the name of Fred Plate especially, when he is identified by the name of Fred Plate," and then the police officer said: "We can't expect the inspector to remember a man's face that has only appeared once," and I told him "No, I could not expect them to do that, when they did not remember a man's face that had appeared there half a dozen times within a couple of hours."

Q. What reply did he make to that? A. They passed it off as a joke; finally I picked up the pamphlet which was issued by the commissioners, and I showed the inspectors that he would not be doing his duty if he refused to allow this man to swear in his vote; finally, when I was getting the best of the argument, and at about 10 minutes to 4 o'clock they declared the polls closed; I took out my watch and said to the officers that

It was not yet 4 o'clock, and he said: "The inspectors had all to say; I had nothing to say."

Q. That was the twentieth election district? A. Yes, sir; No. 140 Forsythe street.

Q. Did anything else occur in that election district that you want to refer to? A. Not that I remember of now.

Q. Did you visit the twelfth election district? A. Yes, sir, about 11 o'clock in the morning, and I saw the chairman of the board of inspectors give to a voter what he called a dummy, but at the distance that I was standing from there, about six feet, it seemed to me to be an original ballot.

Q. What was its color? A. White; it was folded up to show the voter how he was to vote and given to him to take into the voting booth; I asked for the policeman; I did not see anyone around, and some one told me that a gentleman sitting there represented the central office, and I addressed him, and he said, "They have only been giving blue dummies up to that time." and they were perfectly honest and there was no need of doing anything.

Q. Did you call his attention to the fact that the law expressly provided that sample ballots should be of no other color than white? A. I did.

Q. What did he say to that? A. He said that they were acting fairly and squarely, and he had nothing to say against it.

Q. Did you visit the seventh election district? A. Yes, sir; I visited the seventh district both before and after the closing of the polls.

Q. Tell us what occurred there? A. I was there at about half-past 7 in the morning, and there were so many registered that the inspector did not ask them their names, but simply handed each and every one a set of ballots and there was no officer around there to appear against the violations of law.

Q. No policeman there at all? A. No, sir.

Q. What time was that? A. About half-past 7 or quarter to 8 in the morning.

Q. And the voters were in line? A. Yes; about 30 of them were in line.

Q. And they were handed out tickets without their being asked their names? A. Yes, sir; there was about 503 registered in that election district.

Q. How large a district is that in area? A. It includes four blocks; I suppose there are about 100 residences in the district all the year around.

Q. How many of those votes did they get in? A. There were 490 names on the poll-list, and there were 562 ballots in the

ballot-box; that was nothing extraordinary in the Third Assembly district; that was in the seventh election district of the Third Assembly.

Q. Was there a policeman there when the polls closed? A. I was not there when they closed, but I was there shortly after, and there was an officer there then.

Q. Whether the officer was there at the time that the announcement was made that 562 ballots were in the ballot-box you do not know? A. That I do not know; I know when I got there, that they were wrangling as to how they were to draw the ballots out of the box, and the Republican inspector said that he would do it, and the chairman said that they would leave it to a vote of the inspectors and of course the chairman was elected, and the chairman drew them out and when he drew out the ballots, none of them had pasters on, and if I remember right, four socialists were drawn out and eight Tammany votes were drawn and 60 Republican votes were drawn out.

By Chairman Lexow:

Q. Was an officer present when this was done? A. Yes, sir; the police officer was there.

Q. Did he see the method in which these ballots were being abstracted from the ballot-box? A. He did.

Q. Was any particular method applied by the chairman of the board of inspectors? A. The chairman of the board simply put his hand in, and it seemed that every ballot that he drew out did not have a paster on it, but that they were clean ballots, with the exception of probably two or three.

By Mr. Sutherland:

Q. What was the name of the Tammany captain in that election district? A. That I do not know.

Q. Did you see anything else in the seventh election district that you wish to mention? A. No.

Q. Can you tell us the name or the number of either of the policemen in either of those election districts? A. I can not.

Q. Can you tell the name of the Tammany Hall captain in either of those election districts? A. I believe in the seventh district, the name of the Tammany Hall captain was Eberhardt.

Q. What was the name of the Republican captain? A. It was O'Brien, I believe.

Q. Was he assisted by any other Republican workers? A. No; I do not think so; probably one.

Q. What is Eberhardt's business? A. That I do not know.

Q. You do not know what he is doing now? A. I do not; no, sir; and I do not care to know.

Q. Did you have any lithographs displayed in the windows of your district? A. I had some last year, the year before last, when I was a candidate for the Assembly, I had some then.

Q. Did anything happen to those lithographs of yours? A. There was a saloon at the corner, in the house that I was living in, and one Friday evening, about half-past 8, I passed by there, and I saw my lithographs in the window and on the wall inside, and I saw an officer speaking to the proprietor of the saloon and I came back within about 15 minutes, and the officer was gone, and so were my lithographs; I spoke to the proprietor about it, and he said that he did not care to be interfered with by the police.

Q. That was the reason that he gave for taking them down? A. That was the reason; yes, sir.

Q. Getting back to the election last fall, was there anything else that you now recall, in respect to the police? A. Not that I recollect at present.

Cross-examination by Mr. Nicoll:

Q. Upon what ticket were you running for the Assembly in 1892? A. I was running on the Republican ticket.

Q. Was that the first occasion when you aspired to public office? A. I do not know that I aspired for public office, I was a candidate.

Q. That is when your aspirations ripened into a nomination? A. Yes, sir.

Q. Prior to that had you been connected with politics to any great extent? A. I guess I was a Republican ever since I was a little tot.

Q. Born a Republican? A. No, I was not born a Republican; I was a Republican after my eyes were opened.

Q. What you mean to say is that you have been a life-long Republican? A. Yes, sir.

Q. Have you been enrolled recently? A. No, sir.

Q. Not enrolled? A. No, sir; I was enrolled before the last election.

Q. But you have not been enrolled within the last two or three weeks?

(Objected to, having been already answered, and as immaterial.)

Chairman Lexow.—I would not try to get matters of that kind in before the committee, when the committee has already passed upon that question.

The Witness.—I do not belong to any faction.

Chairman Lexow.—Do not answer the question.

Q. I understood you to say that more than one-third, or at least one-third of the polling places in your judicial district were not manned by the police at all on election day? **A.** I did not say that.

Q. Is that an over statement of your testimony? **A.** I say, that I did not say what you have just stated that I did say; I said about one-third of the polling places that I visited in my district were not manned by the police officers when I was there.

Q. You mean in what might have been your judicial district? **A.** No, what was the judicial district in which I was candidate for election.

Q. Had you a coach that day? **A.** I had.

Q. Were you driving around from place to place? **A.** Yes, sir; I was being driven around from place to place.

Q. Excuse me; tell us the first polling place that you went to where you did not find a police officer? **A.** There was not a police officer at one among the first three election districts in the Third Assembly district.

Q. What was the first election district that you arrived at in your progress that morning? **A.** We started with the first election district of the Third Assembly district.

Q. What time did you reach there? **A.** We got there about a quarter past 6, or 20 minutes past.

Q. When you say "we" do you mean the coachman and yourself? **A.** Well, I mean the leader of the district and myself.

Q. You had with you then, some political friend, did you? **A.** I did.

Q. Who was he? **A.** Charles H. Murray part of the time; for about one hour and a half; it was not safe to go alone.

Q. Which hour and a half was that which you had the pleasure of his company? **A.** From 6 o'clock until half-past 7.

Q. I understood you to say that you arrived at the first election district of the Third Assembly district at about half-past 6 o'clock in the morning? **A.** About quarter past 6.

Q. How long did you remain there? **A.** About five minutes.

Q. And all that you mean to say is that during the five minutes that you remained there you saw no police officers? **A.** That is just what I mean to swear to.

Q. From there you moved on to what election district? **A.** The second election district.

Q. How long did you remain there? **A.** About the same length of time.

Q. Was there a police officer there? **A.** I said in the first

three election districts that there was one polling place where the police officer was not present when I was there, but which one of those three election districts it was I do not recollect.

Q. You can not say which one it was? A. No; I do not recollect which one.

Q. How long were you at the second district; were you there more than five minutes? A. No, I think not; about the same time.

Q. Then you passed on to the next election district, did you? A. Yes, sir.

Q. Then, all that it amounts to is, that during the very brief period at which you and Mr. Murray, on your voyage of inspection through the district, happened at one polling place that you did not see an officer; that is about it, is it not? A. No, sir; I visited each polling place in the Third Assembly district, probably three times during the day.

Q. Well, I am speaking of your first trip? A. Yes, sir; that is what it amounts to.

Q. Then that is all that the first trip amounted to? A. Yes, sir.

Q. From the third election district, did you go to the fourth election district? A. I did.

Q. Did you proceed through the districts in numerical order? A. Yes, sir.

Q. Going from the fourth election district, until you reached the last election district in that Assembly district? A. I stopped off, I think, at the twenty-sixth election district of the Third Assembly district; that was the end of my judicial district.

Q. So you went altogether through 26 election districts? A. Yes, sir.

Q. Leaving out the first three, you perceive that we have 23 election districts left? A. Yes, sir; I see that.

Mr. Sutherland.—That is simple; he can do that without pencil and paper.

The Witness.—That is more than some of the police officers were able to do on election day.

Q. Taking the fourth district, at what time did you arrive at the fourth election district? A. I was at the fourth election district before they opened.

Q. Before they opened at all? A. I was there before they opened; on my way to the Republican headquarters of the district, I passed there.

Q. Were you at the fourth election district before you were at the first district? A. Yes, sir; before the polling place

opened I was there, and afterward I had a ride at the first, and then I got around to the fourth election district again.

Q. Then, I am speaking of your second trip; what time did you get there then? A. I guess it was about a quarter to 7 o'clock.

Q. Was there any police officer there then? A. No, sir; by the way, in that election district officers were generally away when there was any trouble, which occurred very frequently during the day; in the fourth election district the officer was never in sight when trouble occurred, which was very frequent, and Inspector Williams came down there twice during the day, in consequence of trouble.

Q. When Inspector Williams arrived, what did he do? A. I was not there when he was in the polling place.

Q. Were you there when he was about the polling place? A. He was just about getting into his coach to drive off when I got there.

Q. In the fifth election district—was there an officer there when you arrived? A. Yes, sir.

Q. How about the sixth election district? A. An officer was there but he was not there half the time.

Q. Was he there or was he not when you got there? A. He was there when I came the first time.

Q. And you left him there? A. Yes, sir; when I went away he was there.

Q. And he was there when you came and was there when you went away? A. Yes, sir.

Q. That is the seventh election district? A. Yes, sir; there was an officer there when I was there the first time.

Q. What time was it when you were there the first time? A. About half-past 7.

Q. How about the eighth election district—perhaps I am overtaking your memory as to these different election districts? A. No; it don't seem so, does it?

Q. Well, I don't know; I think you are holding your own very well, but I was going to suggest that you might want to say that you did not recollect the particular districts; if you do, we can keep this up, but if you do not, we can cut it short which would satisfy me? A. It seems to me that your sarcasm will not amount to anything.

Q. Do you think it is sarcasm on my part? A. Well, yes. Chairman Lexow.—I think your question might be considered so, but your question is relevant if you want to continue it.

Q. Take up the ninth district then; what time did you arrive there? A. It might have been a quarter to 8 o'clock or 8 o'clock.

Q. Was there an officer there? A. No, sir; not the first time that we were there.

Q. How long did you remain there; the usual period? A. Yes, sir; probably a few minutes longer; I did not take out my watch every time I stopped.

Q. Passing over the ninth to the twenty-third election districts, inclusive state the time when you arrived at each one of these election districts on your first tour through the district, and give the names of numbers of the districts where the officers were and were not present? A. As to the first portion of your questions as I said before, I did not have my watch open when I got to the different polling places, but as far as I recollect, there were from the ninth to the twenty-third election districts about four polling places that were without police officers when I was there.

Q. I understood you to say that before — what I want you to do now is to tell me the places and the times when you arrived there. A. If I had known that I would have been called here as a witness I would have taken a pencil and paper and made notes of it at the time.

Q. Is it not a fact that you do not recollect? A. I remember about proportionately how many places were not manned by police officers, but I do not remember every place that was manned by police officers unless it was the first eight or nine election districts.

Q. That is what I first proposed to have you say; that is the fact; you are unable to state positively on your oath, what particular districts, from the ninth to the twenty-third were not manned by police officers on your first tour? A. Yes, sir; I am not able to so state.

Q. Who was running against you? A. I believe I answered that question; I was running against ex-Senator George F. Roesch.

Q. Who else? A. That was the only one of my acquaintance; I do not remember the names of the other candidates.

Q. Was the fight between you and Mr. Roesch in the district? A. Yes, sir; Mr. Fennell was not a candidate.

Q. Had the opposition to Mr. Roesch consolidated upon you? A. That I do not know; what they did on election that day.

Chairman Lexow.—How is that material?

Mr. Nicoll.—I simply wanted to find out, for I had forgotten it myself.

The Witness.—I have not come here to refresh your knowledge of history.

Q. There is no secret about it, is there? A. There is no secret about it, but if you will come over to my office when I have time, I might be able to tell you all about it.

Chairman Lexow.—I don't think you should take up the time of the committee with unnecessary excursions.

Q. What other candidates besides you and Mr. Roesch were in the district? A. Do you mean candidates for judicial offices?

Q. Yes? A. There may have been two others, the Socialist and the Prohibitionist, but I do not know who they were.

Q. I understood you to speak of one who was called or known by the name of Platt— A. Not Platt, but Playth.

Q. Did you not hear Mr. Sutherland call him Platt? A. Yes, sir; and I corrected him, and said Fred A. Playth.

Q. Is the name properly pronounced Playth? A. Yes, sir.

Q. Did you know Mr. Playth before that time? A. A friend of mine told me that he was Mr. Playth.

Q. But you did not know whether he was or not, did you? A. I believe the word of my friend, whom I knew and whose word I took to be as good as gospel.

Q. But you have no previous knowledge or personal acquaintance with him? A. No, sir.

Q. You relied as you have a right to rely upon your friend's statement regarding him? A. Yes, sir; upon that and upon the second ground that no man who desired to be a repeater or who desired to vote upon another man's name would take the trouble to run around to get people to allow him to vote on his name.

Q. The claim against admitting Mr. Playth to vote was that he was a repeater? A. No, sir; not that he was a repeater but that somebody had voted already on his name.

Q. That was what the chairman of the inspectors told me; that someone had voted on his name.

Q. And, therefore, he was not entitled to vote? A. Yes, sir; and it seems to me that if the chairman of the board of inspectors knew that somebody had voted on his name, he must have known that the party who so voted was voting illegally and he should have allowed Mr. Fred Playth to have voted.

Q. Why did you not apply for a mandamus? A. As I said before it was 20 minutes to 4 o'clock and it was too late for me to go down town to get a mandamus.

Q. What time did you run across Mr. Playth? A. I met him at 20 minutes to 4 o'clock.

Q. And you had never seen him before that time? A. No, sir; I had never known him before.

Q. Did you undertake to decide the question of his right to vote right on a minute's notice, on a question of that kind and to insist upon it? A. What is that you ask?

Q. Did you undertake to decide and conclude judicially upon his right to vote?

(Objected to; objection sustained.)

Q. Is the word "judicial" offensive? A. Nothing that you have asked me—

Chairman Lexow.—The objection has been sustained; do not answer the question.

Q. Did you undertake to decide at once upon Mr. Playth's right to vote? A. I did not undertake to decide at all; I was not in the position to decide; it was for the board of inspectors to decide.

Q. I understood you to say that you asserted his right to vote and were indeed getting the best of the argument— A. That is what I did say.

Q. Well, did you get the best of the argument? A. Well, they closed the polls on me at 10 minutes before 4 o'clock.

Q. Do you suppose that that was because you got the best of the argument? A. Yes, sir.

Q. Was Mr. Playth going to vote for you? A. I really could not tell you; I did not ask him.

Q. Who was he introduced to you by, by a friend of yours? A. Yes, sir; by a friend of mine.

Q. You understood, did you not, that he was a voter for you? A. I did not understand anything of the kind; I went about the district to see that there would be something tending toward fairness in casting and counting the ballots of the election.

By Senator Bradley:

Q. You say that you went around from one election district to another, in that Assembly district? A. Yes, sir.

Q. When you traveled around did you see any police officer under the influence of liquor or conducting himself in a disorderly manner during the whole day? A. Not that I recollect.

Frank Nichols, called as a witness on behalf of the committee, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Twenty-two Spring street.

Q. What is your business? A. Musician.

Q. Did you vote at the last election? A. Yes, sir.

Q. Where? A. At Mott street.

Q. What number in Mott street? A. Two hundred and four.

Q. In what election district is that? A. The twenty-ninth election district.

Q. What Assembly district? A. The Third Assembly district.

Q. Did you meet with any violence there? A. Oh, yes, sir.

Q. What was it? A. I met a good many people there that did not belong to the district; for the last two years or about this year we have, if I remember right, about 290, and this year we had 374 votes, and when we counted the ballots there were over 374 votes; we had 290 registered.

Q. Did anybody attack you? A. No, not at that time; I am on the corner of Prince and Mulberry street.

Q. How far was that from the voting place? A. About 10 feet.

Q. Was that before or after you voted? A. Before I had voted.

Q. Who was it that met you there? A. A friend of mine.

Q. Were you assaulted by anybody? A. Yes, sir.

Q. Where? A. At the twenty-fifth election district; No. 50 Prince street.

Q. How far was that from the voting place of your district? A. About two blocks.

Q. Was there a policeman there? A. Yes, sir.

Q. Who was it that assaulted you? A. It was two men; I never saw them before in my life.

Q. What was done? A. What was done; I had two or three friends of mine and they wanted to vote, and I took them there, and they said, "You people can't vote," and these people had just got home from their work about 1 o'clock, and it was about half-past 1 when they got through the polling place; I said, "Why can't they vote?" and they said, "No, they could not vote," and I said, "What was the matter of these people that they could not vote," and they said, "You go home; go home; you people can't vote any more," and then I was put out in the middle of the street, and the captain of the election district said, "Take this fellow away from here," and a fellow hit me in my eye with a brass knuckle.

Q. Did the police do anything at all? A. No, sir; he would not arrest a cat that day as long as it belonged to Tammany Hall; he would not arrest a cat.

Q. What did he hit you with? A. With brass knuckles.

Q. Did you see them? A. Yes, sir; he came after me with two hands right in his pockets.

Q. Did you ever see him before? A. No, sir.

Q. Have you ever seen him since? A. No, sir; but it was in the Third Assembly district—you never saw anything like this year; the people must have come from Sing Sing.

Q. Do you know the police? A. I could not tell their names; I know them, and they saw him strike me and they walked right away.

By Chairman Lexow:

Q. Did the policemen join in the conversation at all? A. They were talking; there was about half a dozen there, and they were all talking.

Q. They were all talking there together? A. Yes, sir; and one of the men tried to get me away from the polling room, and he came and said, "Will you come and have a drink?" and I said, "No, I did not drink."

By Senator Bradley:

Q. Those two men that you took to vote were friends of yours? A. Yes, sir; they lived at 51 Spring street.

Q. Did you give them any money to vote? A. No, sir; I never pay my men money to vote.

Q. You did not have the handling of money? A. No; I did not have five cents in my pocket, so how could I pay the man to vote.

Cross-examination waived.

Jacob Subin, called as a witness in behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Twenty-one Forsythe street.

Q. What is your business? A. Manufacturer of chicory.

Q. Where did you vote at the last election? A. In the third election district of the Third Assembly district.

Q. What official relation did you have, if any, to that district? A. I was a watcher there.

Q. In your capacity as a watcher, did you observe what took place all the day during the election? A. Yes, sir.

Q. Tell us what you saw in regard to the police? A. On the morning of the last election I went to the polling place, and the first thing I did I went in to cast my vote, and when I got into the booth one of the Tammany heelers got inside with me, and I said, "What do you want here?" and he said, "I know you are a good Republican, but I am only interested in Timothy D. Sullivan and I want you to vote one of his pasters on your ballot;" and he handed me a paster; and I said, "Not for your life; you get out of here or I will have you locked up," and he said,

"You can't do it; you can't have me locked up," and I tried to force him out, but he was too big, and I finally got out myself, and ordered the officer to lock him up, but he did not, and I finally put him out and I voted the ticket according to my wishes, but I protested to the chairman of the board of inspectors, and he only laughed at me.

Q. Where was the policeman? A. Only a few feet from there; he heard the whole argument, and then I went outside of the rail and watched the proceedings for the day, and I have seen the Tammany Hall heelers bring in five or six men, drill them into line and from the appearance of some of them, they looked like Irishmen, and some like recent importations from Chatham square or any of those dives, and most of those voted on Hebrew names, but the fun of it was that they could not pronounce the name under any circumstances that they were voting, and of course as a rule, the chairman of the board of inspectors used to correct them, and in some instances they forgot their names entirely, and in such cases they went out of the line, and then the heelers would approach them and bestow such vile language upon them and curse them and swear at them for being so stupid as not to recollect the name of the person they were voting under, and then they would drill them into line again, and I protested against them; I attempted to challenge them, and I was told unless I stopped monkeying with the regular way of doing business that I would be thrown through the window.

Q. Where was the policeman when this conversation took place? A. Always inside; but I did not feel like going through such an operation, as a little while before, Mr. Rosalsky was hurt there by some of the heelers, and I thought I would keep quiet and see the proceedings.

Q. When was that that Mr. Rosalsky was hurt? A. On the same election day, and I also noticed the captain of the Socialistic Labor party there, and a young fellow, about 26 or 27 years of age, who attempted to vote on his name, and he grabbed hold of him and asked to have him locked up, but the officer paid no attention to it, and finally three of the heelers got hold of him and they punched his face for him.

Q. Punched the face of what man? A. Of the captain of the Socialistic Labor party, and they slipped the repeater out; and, of course, he called upon the officer to give him protection, and the officer stretched himself out a little and he said, "Well, I guess I am pretty busy just now; I will see you after 4 o'clock; I will have more time to spend;" and, finally, but for the Tammany captain, if he had not interfered, they would have handled him very roughly; but they made the proposition to

the captain of the Socialistic Labor party to go right away, and in that case they would let him off, and so he did go off very quickly.

Q. Did you see anybody else go into the booth besides the man who followed you in? A. I think about 9 out of every 10, a heeler went inside with him; pretty nearly that; I recollect a young fellow by the name of Cohen, a stupid fellow; he could not read or write, and he approached me and asked me for a Republican ticket, and I told him to go outside and get one; and he went outside, and then he brought one in and brought it to me to see if it was the right paster, and I told him it was the right one, and he went and got inside of the booth, and a heeler went in with him and snatched the ticket away from him and put one of his own pasters on it and folded his ballot up and dragged him right out, close to the chairman of the inspectors, and made him deposit this special ballot, and then, when he got outside of the polling place, he said to me, "Subin, am I supposed to have voted as that man ordered me?" and I said, "You are stupid enough to chew hay; you ought to be killed."

Q. Where was the policeman when this Tammany captain was dragging him out before the polls? A. He was inside of the guard-rail.

Q. Where he could see it all? A. Yes, sir.

Q. Did he make any attempt to interfere with this Tammany man? A. No, sir; not that I know of.

Q. And you did not hear him say anything against it at all? A. No, sir; but he heard everything and saw everything, but he said very little.

Q. He said nothing against it? A. No, sir; nothing against it.

Q. What was the name of the Tammany worker who took this paster away from the voter? A. I think his name was Murphy; I have seen him there for several years in the same election district.

Q. Do you know a Tammany worker there by the name of Loey? A. Is that his second name?

Q. Yes. A. I know most of them personally, but I never had any dealings with him.

Q. Did you see a paster taken off from a ballot? A. At the counting of them, do you mean?

Q. Yes? A. I think when they started to count the ballots I was kind of sick and I left.

Q. Tell us how many there were that voted on these Hebrew names, that were apparently Irish? A. A good many.

Q. Give us as close an estimate as you can of the number? A. Well, 25 or so.

Q. But you say from their facial appearance, they were certainly of Irish descent? A. Yes, sir; that is one thing from which I formed my opinion, and there is another ground on which I form my opinion that they were not Hebrews, because they could not pronounce their names, not to save their souls.

Q. And in many instances they were corrected? A. They were always corrected; the chairman of the inspectors would correct them if they were not properly drilled into it.

Q. Is there anything else with regard to the conduct of the police that you recollect? A. There were a good many more instances but about the same thing.

Q. I understood you to say that you did not remain a great while during the counting of the ballots? A. No; I was kind of dizzy and I went home.

Q. Were you there when the ballots were removed from the ballot-box? A. No, I was not there; I was only there until the polls were closed.

Cross-examination by Mr. Nicoll:

Q. I understood you to say that some man went into the booth with you, but that you violently ejected him? A. No, not violently.

Q. You mildly put him out? A. Mildly; very mildly, for he was too big for me.

Q. He was too big to be violently dealt with? A. Yes, sir.

Q. You used moral suasion on him? A. Yes, sir.

Q. Did you make a complaint to the officer in regard to that? A. I made a complaint to the chairman of the board of inspectors, and he laughed at me and said, "You are a fool; the man is doing no harm."

Q. As a matter of fact, the man did not do you any harm, did he? A. No, sir.

Q. You voted as you pleased, and you told him to get out? A. Exactly.

Q. Did you make a direct request to the officer to arrest him for violating the law? A. I did not.

Q. Were you right in saying that 9 out of every 10 voters in that election district were accompanied by outsiders into the booths? A. Yes, sir.

Q. Nine out of every 10? A. Yes, 9 out of every 10; pretty nearly.

Q. How many voters cast their ballots there that day? A. I do not recollect; Mr. Rosalsky can tell you.

Q. Don't you know in a general way without going into the figures? A. I do not know.

Q. Was it upwards of a couple of hundreds? A. Yes, sir; I think it was a couple of hundred voters.

Q. Do you mean to say that out of a couple of hundred there were only 20 men who went into the booths by themselves? A. I think if I took special pains to notice it, I don't think there were five that got in there without having a heeler inside with him; if I had taken special pains to notice it.

Q. I do not know what you might have seen if you had taken special pains, but taking the pains that you did take? A. That is to take a note of every voter, I do not think there would be that many.

Q. You understand, do you not, that you are testifying before this committee of the Senate on your oath? A. Yes, sir; I understand it.

Q. I want to ask you whether or not you are swearing that only 20 men out of all the men who voted upon that day went into the polling places unaccompanied by an outsider? A. I said to my knowledge, what I have seen, surely, 9 out of every 10, a heeler went inside with them; they knew me for a Republican worker for four or five years, and still a heeler went in with me to see that I put a Timothy D. Sullivan paster on my ballot, at least, if I didn't vote the whole Democratic ticket; they wanted me to put a Sullivan paster on it at least, and that shows plainly that they went in with everybody.

Q. Are you swearing from your argument and inference, or from what you saw? A. From what I saw; at least, 9 out of every 10 a heeler went inside with him.

Q. And if there were 200 people voted there, there were only 20 people who went into the booth unaccompanied? A. Hardly any more.

Q. I understood you to say that some of the persons coming up to vote had difficulty in pronouncing their names? A. Yes; they had great difficulty.

Q. Take a name for instance; what name did anyone have difficulty in pronouncing? A. I did not take any notice of the name particularly, but I recollect one name, a personal friend of mine by the name of Bergman whom I saw early in the morning and I told him; "Bergman, this is election day, and you come in and cast your vote early or you will be deprived of it;" and he said that he was busy and he would have plenty of time later, and I said, "I see that you will not vote to-day; I see how things are going;" and during the day a young fellow came in and gave his name to the inspector as from Chrystie street and he said his name was "Putnam," or some such name, and the chairman said: "yes, Bergman, that is all right, Bergman."

Q. He said, "Putnam?" A. Yes, sir; "Putnam" or some

thing like that, and the chairman said, "and he took his name and this very Bergman came in about half-past 2 o'clock, and they told him, "you have voted once, get out of here;" I said, "he had not voted," and they said, "we are not asking you," and I told Mr. Bergman, "it serves you right, for if you had come early you could have voted and you could go to court and swear your vote in;" but they would not allow him to swear it in there.

Q. What other name was there that was voted on? A. He was deprived of his vote.

Q. Yes, but what other name was there? A. I don't remember any other name just now.

Q. You do not know any other name? A. I know a good many but I really forgot all about it; I paid no attention to it.

Q. Out of the 30 other men whom you say were Irishmen, but who attempted to vote on a Jewish name, can not you recollect one other? A. I can not very well recollect any, because I did not think of it at the time; I did not care for it; as soon as the election was over, I attended to my own business; I generally work a few weeks before election, until the day of election and then I drop the matter, and attend to my own private affairs and let the others fight it out.

Q. You are generally doing what before election? A. Before election, I work a little for the party and after the election I attend to my own private affairs.

Q. Do you give up your private business for the purpose of devoting yourself to the public interest? A. No, sir; I never did; just a few days for a pastime, an hour or two that I spend

Q. You work for a pastime? A. Yes, sir.

Q. For a couple of weeks before election you do that? A. Yes, sir.

Q. And then you give up politics? A. Yes, sir; after election I give it up.

Q. You keep your membership in the club, do you not? A. I am a good-standing member and pay my dues always.

By Senator Bradley:

Q. Did you drink anything on election day? A. No, sir; I am not a drinking man—I am not temperance, but I do not drink.

Q. You said the reason that you went away after the polls closed was because you were busy? A. I was not busy, but I felt kind of sick.

By Mr. Nicoll:

Q. You drink chicory? A. Yes; a little with my coffee.

By Chairman Lexow:

Q. You felt sick, as you had been there all day long? A. Yes, sir.

Warren Hait, called as a witness on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Twenty-six Charles street.

Q. What is your business? A. Clerk in the Columbia steamship line, foot of Canal street.

Q. Were you a Republican watcher in the election of 1893? A. Yes, sir.

Q. At what election district? A. The twenty-fifth election district of the Second Assembly district.

Q. Where was the polling place? A. Fifty-five New Bowery, I think.

Q. What time did you arrive at the polling place that day? A. About 8 o'clock in the morning.

Q. Did you apply for a position inside of the guard-rail? A. Yes, sir; I showed the chairman of the board my certificate, and he told me to get out.

Q. You displayed your certificate to the chairman, and he said what? A. He said to get outside of the railing—that is, he meant to get outside of the railing.

Q. Did you get outside? A. No; I did not then; I showed it to the police officer, and he said, "I don't want to have any trouble with you, but you get outside," and I didn't care to have any trouble with him, so I got out.

Q. Were you allowed within the guard-rail at all during the day? A. Yes, sir; after the vote commenced to be counted.

Q. Did you observe any irregularity in the election of any sort? A. Yes, sir; anybody came in and voted who wanted to—all the Tammany workers came in and voted anybody they wanted to.

Q. You saw them come in; how near to the booths were they? A. Sometimes they would go right in the booths.

Q. Where was the policeman at that time? A. He was right there.

Q. How far from the booth? A. Right alongside the rail; right near the booth.

Q. Where he could hear and see everything that was said and done? A. Yes, sir.

Q. Did you make protest against that sort of operation? A. Yes, sir; I told him it was not right.

Q. What did the policeman say? A. He said some of the men were blind, and you have to have these men go in with them.

Q. Did any of them make affidavit to that effect? A. Not then; no, sir.

By Chairman Lexow:

Q. Did they take the disability oath? A. No, sir.

By Mr. Sutherland:

Q. Did they apply to the inspectors for assistance? A. No, sir.

Q. They did not ask for any help? A. No, sir; it was not necessary.

Q. They walked right in with them from the door? A. Yes, sir; they did as they pleased.

Q. Describe what they did. A. What do you mean; about those voters going in with them?

Q. Describe the operation? A. I told the police officer that it was not right.

Q. That what was not right? A. For these workers to go in the booths with the voters; and on two or three occasions he did not make any objections to it, and so I stopped, because I saw it was useless.

Q. Now, going back to the voters going into the booths, I understood you to say that none of the voters applied to the inspectors to appoint any one to go in with them? A. No, sir.

Q. Did they go to the inspectors at all, until they went there with the ballots? A. No, sir.

Q. Did they take any oaths before they went into the booth? A. No, sir.

Q. Those voters came into the voting place unaccompanied by what you may call a heeler, did they? A. Yes, sir; a Tammany workers.

Q. And the two, went immediately into the booth? A. Yes, sir.

Q. Without any preliminaries? A. Yes, sir; without any preliminaries.

Q. How often did that occur during the day? A. Right straight along, all day.

Q. How many cases of that sort were there? A. Probably 20 to 30.

Q. Out of this 20 or 30, were there men who were actually disabled? A. I saw some with their arms tied up.

Q. How many of those? A. Two or three.

Q. Were there any others who had the appearance of being disabled? A. No, sir.

Q. Did those two or three who had their arms tied up take any paths? A. No, sir.

Q. You say you protested to the policeman several times? A. Yes, sir.

Q. And he did nothing? A. No, sir; he did nothing whatever.

Q. What did he say about it? A. He said it must be they could not read, or something of that kind, or they must be blind.

Q. Did you recognize any one coming in to vote the second time; the same person voting more than once? A. Yes, sir.

Q. How many of them, for instance, were there? A. Thirty or 40, I guess.

Q. Did you call attention to that fact? A. There was another watcher with me, Mr. Holt, and he called attention to that fact.

Q. What did he say? A. He called the chairman's attention; I told him it was about time to make some of these men stop from voting three or four times, and he said, "I know this man has voted twice," and I said, "Call the chairman's attention to it," and they did so.

Q. What did he say to the chairman? A. He told him that this man, that he specified then, had voted two or three times, and he wanted him arrested, and the chairman says, "If he swears in his vote, let him vote."

Q. Where was the policeman when this was said? A. He was right there.

Q. How far from the voter? A. About two feet.

Q. Where he could hear the conversation? A. Yes, sir.

By Chairman Lexow:

Q. And he said that he had voted two or three times at that same election poll? A. Yes, sir.

By Mr. Sutherland:

Q. Your friend said that he voted two or three times that day, at that poll? A. Yes, sir; I don't know where else he voted, but he voted there two or three times.

Q. And the chairman said if he swore it in he would receive it? A. Yes, sir.

Q. Did he swear it in? A. Yes, sir.

Q. Was there any suggestion made to the policeman that the man should be arrested? A. Yes, sir.

Q. Who made that remark? A. Yes, sir.

Q. What did he say to the policeman? A. He said, "I want you to arrest that man," and he said, the policeman said, "If he swears it in we must let him go," and the policeman did not arrest him.

Q. Did the policeman say what you have just now stated? A. I think so; words to that effect.

By Chairman Lexow:

Q. Have you given the language of the policeman as nearly as you can? A. Yes, sir.

Q. What was it? A. "If he swears in his vote, it is all right, let him go;" then my partner went up to see the district leader, Mr. Shea, but he did not find him.

By Senator Campbell:

Q. What Assembly district is that? A. The Second Assembly district, the twenty-fifth election district.

Q. You are a Republican watcher? A. Yes, sir.

Q. You had another Republican watcher there, too, did you not? A. Yes, sir.

Q. Was there a Republican captain in charge of the district? A. I did not see another Republican there at all; it is pretty hard work to be a Republican in that district.

Q. I did not ask you that; I asked you if there was a Republican captain there? A. No, sir; there was a Democratic captain there.

Q. And the Republican leader of the Assembly district was Mr. Shea? A. Yes, sir.

Q. Who appointed you as watcher? A. The Republican club; 500 Fifth avenue.

Q. Where do you live? A. Twenty-six Charles street.

Q. Did you tell anyone in the Republican club within the last week or 10 days that you were to testify here? A. No, sir.

Q. To whom did you communicate that you were to testify here? A. To nobody.

Q. Did they know what you were going to testify to? A. I do not think they did.

Q. You did not speak to anyone as to what occurred on election day? A. I have not since I came here; I have in the meantime, certainly; between now and election day do you mean?

Q. Yes? A. Certainly, I have to a great many.

Q. To whom? A. To anybody who would ask me.

Q. To whom have you particularly told it? A. I can not remember now exactly who.

Q. Do you know how you came to be subpoenaed here as a witness? A. No; I got a subpoena last night.

Q. Did you talk with Mr. Grasse? A. I did just now as I came in here.

Q. Not before? A. No, sir.

Q. Nor to Judge Sutherland? A. No, sir.

Q. You do not know who gave your name to the counsel? A. I do not.

By Senator Bradley:

Q. Did you make any complaint at all to the authorities of this irregularity; to the grand jury or any other tribunal? A. No, sir.

Q. Or to the police captain? A. No, sir.

Q. Do you know the policemen who were present when these irregularities were going on? A. I don't know their names.

Q. Do you know their number? A. I can not remember their number, but I think I can get them probably.

Q. There was no violation or blows? A. No, sir.

Q. Everything was harmonious? A. Yes, sir, because they had everything their own way.

By Chairman Lexow:

Q. Were those proceedings characteristic of the whole day's performance; did they start out from the opening of the polls and keep it up until the close? A. Yes, sir.

Q. Did I understand you to say that you did not protest more than three or four times because you considered it useless? A. That is the idea exactly.

Q. Your protests were ineffective? A. Yes, sir.

Q. No notice was taken to any protest you made? A. No, sir.

Louis J. Kliembohl, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Number 53 Avenue A.

Q. Do you know Mr. Ott Kempner? A. I do.

Q. Were you the secretary of his association last year? A. Yes, sir.

Q. He was a candidate for election to the Assembly, was he? A. Yes, sir.

Q. Upon an independent ticket? A. Yes, sir.

Q. You know the fact that he had lithographs posted in the windows of the stores in the district? A. I do.

Q Was there a report made on Friday before election or a complaint made in regard to the police interference? A. Yes, sir; on Friday morning we received a return that the police were going around the district ordering the lithographs to be taken down.

Q. What did you do, if anything, in regard to that? A. On Friday afternoon I had occasion to go out by request of Mr. Kempner on some business, and on my way I saw a gentleman in civilian's clothes going from store to store, and in him I recognized a police officer, and as I passed there, I took particular notice of his business, and I saw at one of the stores where he entered a lithograph of Mr. Kempner was exposed in a window, and on my way back this lithograph had disappeared.

Q. How long a journey did you take — how far did you travel? A. About 15 minutes.

Q. When you came back, wherever those lithographs had been they were removed? A. Yes, sir; at this particular place.

Q. Do you know the policeman's name? A. I do not.

Q. But he was one whom you had seen in uniform? A. Yes, sir.

Q. But on this occasion he was in civilian's dress? A. Yes, sir.

Cross-examination waived.

By Chairman Lexow:

Q. Do you know whether he was on the force at the time? A. Yes, sir; and he is on the force yet.

Q. You have seen him since in uniform? A. Yes, sir.

Q. And you had seen him before in uniform? A. Yes, sir.

Q. On the police force? A. Yes, sir.

By Senator Bradley:

Q. The store in which you saw the lithographs — did you make any inquiry as to what was the cause of taking them down? A. I did not.

Q. Then you don't know whether the policeman ordered them down or not? A. No; but he was there before, and when I got back the pictures had disappeared.

Q. You do not know whether the policeman ordered him to take them down or not? A. No, sir.

Proceedings of the sixth meeting of the committee, March 26, 1894, at 10 o'clock a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, George W. Robertson and Jacob A. Cantor.

Appearances as before.

Moses Phillips, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

- Q. Where do you reside? A. Thirty-six Bowery.
- Q. What is your business? A. I am a laborer.
- Q. Where did you vote last fall? A. Second election district and Third Assembly.
- Q. What street and number, please? A. Thirty-four Bayard street.
- Q. Thirty-four Bayard street? A. Yes.
- Q. Raise your voice a little; were you a watcher that day? A. Yes, sir.
- Q. A Republican watcher? A. Yes, sir.
- Q. Were you about the polls nearly all the day? A. Yes, sir.
- Q. Who was the policeman in attendance there? A. There were two policemen there:
- Q. Do you know their names? A. I do not, sir.
- Q. Do you know their number? A. No, sir.
- Q. Did you challenge any votes that day? A. Yes, sir.
- Q. Did you request any arrest to be made? A. Yes, sir.
- Q. About what time in the day? A. This was about 9 o'clock in the morning.
- Q. What was the name of the man whom you requested should be arrested? A. John McCaffrey.
- Q. What was the reason for desiring his arrest? A. False registration.
- Q. What happened? A. Well, I told the officer I wanted that man arrested; so the man said, "I will put my vote in first;" and I said, "No, officer, he will not put in any vote, because he don't live in that house," and the officer said, "If he wants to swear in his vote he can swear it in;" I said, "All right, I want the man arrested;" I had the man arrested and taken to the Eldridge street station-house and went with him, and before I went with him I took him to 35 Bowery, the lodging-house, with the policeman, to the place where he said he lived, and where he had registered from; I got him up there before the clerk, and I says to the clerk, "Does this man live in this house?" and he says, "No;" right in front of the policeman; then we went to the Eldridge street station, and when we got to the Eldridge street station-house, we found a half dozen officers in citizen's clothes, and Captain Devery, and went before the desk and before any questions were asked—
- Q. Who was behind the desk? A. The sergeant was behind the desk; before any questions were asked somebody on the

floor says, "What! is this an election case?" "Yes;" "Who is making this charge?" the officer said, "This man here;" "You will make a charge against him for intoxication and disorderly conduct."

Q. Who said that? A. Captain Devery, the man on the floor.

Q. Captain Devery asked what the case was? A. Yes, sir.

Q. And the officer told him it was an election case? A. Yes, sir.

Q. And he wanted to know who made the charge? A. Yes, sir.

Mr. Nicoll.—Are you going to tell the story?

Mr. Sutherland.—No, but I want to know it; you know I am from the country.

Q. Did the captain ask your name? A. No, sir.

Q. Did the policeman tell your name? A. No, sir.

Q. What did he say about it? A. He called some one from the back room and said, "Make this man your prisoner."

Q. What happened then? A. I was taken to the Essex Market.

Q. Who took you there? A. Officer Warner.

Q. It was not the same officer that came from the polling place? A. No, sir; this officer was in the sitting-room.

Q. What became, so far as you could see, of the officer who went to the polling place with you? A. He took this man to Essex Market.

Q. He took the other man? A. He took the other man to Essex Market; Officer Warner arrested me and took me to Essex Market.

Q. What happened then? A. When I came there, Judge Ryan was on the bench—he was not on the bench when I came there but he was in the private room—and he came out and said, "Phillips, you are charged with intoxication; I fine you \$5;" I says, "All right."

Q. Wait a moment; was that the first thing he said when he first came out? A. That was the first thing he said when he came out.

Q. Had you seen anybody go in there? A. Yes, sir; half a dozen.

Q. What became of the officer that took you there? A. He was standing there.

Q. And what became of the officer that took the other man there? A. He was standing there.

Q. Can you tell who it was communicated to Judge Ryan the fact that you were there? A. Well, no; not exactly.

Q. I understand you, the first thing that Judge Ryan said when he came out was, "You are charged with intoxication;

I fine you \$5." A. Yes, sir; and I went to the clerk and paid the \$5, and wanted to make a complaint against the man, and he said, "No, put him out;" I wanted to make a complaint against him for false registration.

Q. What did you say to Judge Ryan? A. I said I want to make a complaint against this man, McCaffrey, for false registration.

Q. What happened then? A. I was put out.

Q. Who put you out? A. One of the court officers.

Q. What was said to you? A. Nothing at all; I had to go out.

Q. Did anybody tell him to put you out? A. Yes.

Q. Who? A. The judge.

Q. What became of McCaffrey? A. McCaffrey was discharged.

Q. Now you were turned out of the courtroom? A. Yes, sir.

Q. Anything happen to you after that? A. Yes, sir.

Q. What was it? A. About an hour after that Captain Devery came around, and he said, "You here yet?"

Q. Where was this? A. This was at 34 Bayard street; at the polling place.

Q. You had gone back to your place as watcher? A. Yes, sir; he said, "You here yet; ain't you got enough?" I said, "No, sir; I am going to stay here until the polls close," and he said, "You are foolish."

Q. Anything else? A. That is all.

Q. Now, did anything happen to you on your way from the courthouse down to the polling place? A. Yes, sir; when I got out in front of the Essex Market somebody got behind me and hit me in the ear, which he wouldn't do if I was looking at him.

Q. Were any officers standing there? A. Yes, sir; but they got away in a hurry; there was about two there; and a half a dozen near of the heelers.

Q. How far was this assault from the court where you were fined? A. Right in front of the Essex Market court.

Q. How far from it? A. About 10 feet.

Q. About 10 feet? A. About 10 feet.

Q. About 10 feet; and it was just after you left the courtroom? A. Just the moment I struck out I was hit under the ear from behind.

Q. You say there were a number of policemen near by? A. There were two policemen there.

Q. Did they see it? A. They must have seen it; I see them all skip away.

Q. They all skipped away, did they? A. Yes, sir.

Q. From there you went to the polling place? A. Yes, sir.

Q. And it was about an hour after that that Captain Devery asked you if you hadn't had enough? A. Yes.

Q. Now, while you were serving as such watcher, Mr. Phillips, did you observe any irregularities? A. Yes.

Q. On the part of the voters? A. Yes, sir.

Q. What? A. A man of the name of Brockman, of No. 33 Bowery — he ran a sort of a hotel at 33 Bowery — he was gathering up paster ballots.

Q. Where was he? A. I suppose coming in the polling place; the polling place was in the basement.

Q. This was how far from the booth? A. About 15 feet.

Q. Well, what then? A. Well, I told the officer, and the officer put him away; I told him the second time after seeing him doing it again, and he put him away again, and he done it the third time, and he put him away, and did not arrest him; I thought the officer knew more about it than I did, so I did not order him to arrest him.

Q. You did not make any complaint? A. No, sir.

Q. Were there any other irregularities you saw? A. That is about all.

Cross-examination by Mr. Nicoll:

Q. You did not drink at all on election day, did you? A. I did.

Q. When did you have your first drink; when was the first; about what hour? A. About half-past 6.

Q. Morning or evening? A. In the morning.

Q. What was that? A. What?

Q. What was it? A. Whisky.

Q. What was the next; what was the hour of the next? A. Oh, about 7 o'clock.

Q. A little whisky? A. No.

Q. Beer? A. A little beer.

Q. Then, about 7 on election day, you had had one whisky and one beer? A. And one beer; yes, sir.

Q. When was the next? A. What?

Q. When was the next? A. Well, I don't tell you that; I don't remember every time I took a drink.

Q. So many you couldn't remember? A. Oh, no; not at all.

Q. Well, about when was the next drink? A. I suppose right before the arrest.

Q. Well, the hour of that I have forgotten, whatever that was; when was that? A. About 9 o'clock.

Q. Whisky or beer? A. I took a glass of beer.

Q. Is that all you had to drink up to that time? A. Yes, sir; that is all.

Q. Had any breakfast? A. Yes, sir; I had my breakfast; I don't think I was going to starve.

Q. One whisky and two beers? A. One whisky and two beers.

Q. Might there not have been two whiskeys and one beer? A. No, sir; it was one whisky and two beers.

Q. Well, you were perfectly sober, weren't you? A. I was; yes, sir.

Q. But people said you were drunk, didn't they? A. They were the heelers around there, that said that.

Q. But you were sober? A. I was sober.

Q. Although you had had one whisky and two beers? A. One whisky and two beers; yes, sir; two beers and one whisky.

Q. What was it; two beers and one whisky, or one whisky and two beers.

Chairman Lexow.—That is about the same thing. It is too serious a subject to trifle with.

Mr. Nicoll.—I think I ought to have considerable latitude with this witness. I have not kept account of the number of times he has stated it. I presume the chairman has.

Q. How long have you lived in the Bowery? A. About nine months.

Q. And prior to that time, where did you live? A. One hundred and twenty-nine Allen street.

Q. What was your business there? A. Laborer.

Q. Well, in what sort of occupation? A. Park department; and I worked in the navy yard.

Q. When were you working last in the navy yard? A. In the month of August.

Q. And after that where were you working? A. Working; I was working for a cousin of mine in Avenue C.

Q. What is his name? A. Phillips is his name—Abraham.

Q. That is your name, too? A. Yes, sir.

Q. What is Phillips' business? A. Wholesale toy dealer.

Q. You were working for him? A. I was; yes, sir.

Q. How long did you work for him? A. Oh, about three months.

Q. In what capacity? A. Oh, selling goods.

Q. Salesman? A. As salesman; yes, sir.

Q. When did you stop working for Phillips? A. About in October.

Q. Then where did you go to work? A. For Frederick Krale.

Q. Who? A. Frederick Krale.

Q. Krale? A. Yes, sir.

Q. What is his business? A. Plumber and gasfitter.

Q. How long did you work for him? A. Worked for him up to about January 28th.

Q. January 28th of this year? A. Yes; of this year.

Q. When were you last working in the park department? A. A couple of years ago.

Q. Were you laid off there? A. Yes, sir.

Q. Or turned off? A. I was laid off, when Tammany Hall laid everybody off.

Q. How is that? A. I was laid off when Tammany Hall laid everybody off.

Q. When was that? A. That was the year they took charge, after the County Democracy got out of power; everybody was suspended in the park department.

Q. Were you a County Democracy man? A. No, sir.

Q. What were you at that time? A. A Republican.

Q. Always a Republican? A. Always a Republican.

Q. Well, you were laid off in 1888? A. I think it was; I aint sure; at the time Tammany Hall took charge, after the County Democracy went out of power.

Q. You don't feel bitter on that account, do you? A. No.

Mr. Sutherland.— One of the fortunes of war.

Q. How long had you been in the park department? A. On and off for three years.

Q. In what capacity? A. As laborer, bridge tender.

Q. Who appointed you there? A. Mr. John E. Brodsky, through Mr. John E. Brodsky.

Q. Through Mr. John E. Brodsky? A. Yes, sir.

Q. Mr. Brodsky was a prominent Republican? A. He was, yes, sir.

Q. Is he still a prominent Republican? A. No, sir.

Q. He is now a member of Tammany Hall? A. Yes, sir; he is now a member of Tammany Hall.

Q. But you have remained a Republican? A. I have remained a Republican.

Q. Have you ever had any differences with the police? A. No, sir.

Q. Never before this day? A. No, sir.

Q. You have never been arrested by them?

(Objected to by Mr. Sutherland and excluded.)

Mr. Nicoll.— I would submit to the committee that on reflection, that after all, that is a very fair question on an inquiry of a witness for the committee, seriously, not applying the rule of evidence in criminal courts, or civil courts, where a man is on trial for his life or liberty. We are now conducting an investigation into the police department. The committee calls witnesses without number, and I ask them whether or not they have had differences with police officers, in which, perhaps, an unfounded arrest was made. Wouldn't that be a very proper thing to show?

Chairman Lexow.—If that arrest was made by the particular police officer who is charged with having violated his duty on election day, it might. This committee is bound for its own protection to protect witnesses. If a wide latitude is given you to examine the witnesses as to any altercation or arrest, we may find ourselves in the position where the attendance of witnesses here is rendered extremely difficult; because it is just that species of intimidation that we must guard against, in order to secure testimony here at all.

Mr. Nicoll.—While that is entirely true, the committee has, after all, a higher obligation than that, and that is, not to take testimony, and spread on the record any testimony which is not strictly true and free from prejudice. There is no doubt that there is a higher obligation even than procuring the attendance of witnesses, and to show—I do not know that it exists in this case—but as a rule, to show that witness, who appears, has had altercations with various police officers in his district, and therefore has a bias.

Chairman Lexow.—It would be perfectly proper for you to ask the question whether he had any difference with the police. But I do not believe any man, however innocent, cares to go on record as having been arrested, although he may have been perfectly innocent; and this committee must protect itself by protecting witnesses in that respect. You can ask the witness whether he has had any differences with the police.

Mr. Nicoll.—I have asked that.

Q. Were you ever arrested and convicted of any offense? A. No, sir.

Q. You were of disorderly conduct? A. Yes; I was fined \$5.

Q. Was that the only time you ever was fined? A. That is the only time.

Q. The only time you were ever fined? A. Yes, sir.

Q. Or imprisoned? A. Or imprisoned.

Q. Are you a married man? A. No, sir.

Q. Were you a worker on election day? A. I was; yes, sir.

Q. Were you paid to attend the polls? A. I was not paid; no, sir.

Q. Weren't you paid something for election day? A. No, sir.

Q. Nothing at all? A. No, sir.

Q. At whose instance did you attend the polls on election day?

A. Mr. Charles Murray.

Q. Are you a member of his organization in that district? A. Not now.

Q. Were you then? A. Yes, sir.

Q. Did I understand you to say you were a watcher? A. Yes, sir.

Q. Appointed to attend the polls? A. Inside and outside.

Q. Did you have a certificate? A. Yes, sir; I did.

Q. And filed it with inspectors of election? A. No, sir; I did not.

Q. What did you do with it? A. I had it in my pocket, signed by the Republican committee.

Q. Didn't you present it to the inspectors? A. I showed it to the officers.

Q. But you did not show it to the inspectors of election? A. I hadn't any trouble as far as that goes.

Q. So far as what goes? A. As the papers go.

Q. Your complaint is that they did not entertain a charge that you made, is it not?

Mr. Sutherland.—I object; the witness did not make any complaint. I am the man that made the complaint. The witness is here by virtue of the complaint.

Q. Did you make a complaint?

Mr. Sutherland.—Objected to.

The Chairman.—The question is too indefinite.

Q. Didn't you make a complaint against someone for false registration?

Mr. Sutherland.—Oh, that is another thing.

Chairman Lexow.—That is proper.

The Witness.—Yes, sir.

Q. And the officers reported that you were intoxicated?

A. The officer did not; the captain of the precinct did.

Q. The captain did? A. Yes.

Q. And said you were intoxicated? A. Yes, sir; after finding out he made the complaint.

Q. After finding out he made the complaint? A. Yes, sir.

Q. As a matter of fact you had been drinking beer and whisky before 9 o'clock? A. I drank one whisky and two beers.

Mr. Sutherland.—Objected to; as the witness has gone over that three or four times.

Chairman Lexow.—Yes. The counsel may think by constant repetition he makes two beers and one whisky half a dozen.

Mr. Sutherland.—But he wastes the time of the committee. The question has been ruled out. Please go on, Mr. Nicoll.

Q. As I understand you, you made the complaint against McCaffrey for false voting in the polling place? A. Yes, sir.

By Chairman Lexow:

Q. False registration? A. Yes, sir; false registration.

By Mr. Nicoll:

Q. You challenged him first? A. Yes.

Q. And then he voted? A. He voted and swore in his vote.

- Q. And you asked the officer to arrest him? A. Yes, sir.
- Q. Which he did? A. Yes, which he did.
- Q. And you both started to the station-house? A. No, sir; started to the hotel.
- Q. And from the hotel you both went to the station-house? A. Went to the station-house.
- Q. And there it was that some one said—I understood the captain—said you were drunk? A. He asked the officer who was making the complaint.
- Q. You stood there? A. He said, "This man here," and he said, "Make a charge against him for disorderly conduct and intoxication."
- Q. You had not been disorderly? A. No, sir.
- Q. Quiet and peaceable? A. Yes, sir.
- Q. You were not intoxicated? A. No, sir.
- Q. Well, but they made a charge against you of intoxication? A. Yes, sir; made a charge against me.
- Q. And then you went to the Essex Market Court? A. Yes, sir.
- Q. And you mean to testify that on arriving at Essex Market Court, Judge Ryan came out of a private room and said, "You are fined \$5, Phillips?" A. Yes, sir; he sat down and said, "You are fined \$5."
- Q. No hearing? A. No hearing; no, sir.
- Q. No evidence against you? A. No, sir.
- Q. No one sworn; no statement taken? A. I don't know whether they did; I didn't see none.
- Q. You were present right there? A. Yes, sir.
- Q. Nothing of that sort was done? A. No, sir.
- Q. Still you were fined \$5? A. I was fined \$5.
- Q. Did you ask to make any defense? A. No, sir; I was not asked to make any defense.
- Q. Did they tell you what the charge was? A. They did not tell me what the charge was against them people.
- Q. Did they tell you what the charge was against you? A. Intoxication.
- Q. Did you deny it? A. I did not have a chance to deny it.
- Q. He came out and sat down and said, "You are charged with intoxication and are fined \$5." A. And I said, "All right," and walked over and paid \$5.
- Q. You admitted it? A. I said, "All right," and walked over and paid it when he said I was fined \$5.

By Senator Bradley:

- Q. You said two beers and one whisky on the top of the morning? A. Yes, sir.

- Q. How many can you take during the day and keep sober?
 A. A dozen and a half.
- Q. You took a whisky in the morning as an eye-opener? A.
 I took a whisky in the morning as an eye-opener.

By Chairman Lexow:

Q. Were you charged by anybody at the polls with intoxication previous to making that arrest, or at the time of making it? A. No, sir.

Q. Then the first intimation you had that there was any charge against you of any kind was, when the police captain ordered the charge to be made against you? A. Yes, sir.

Q. Had the officer who accompanied you made any statement to the police captain to the effect that you were drunk or disorderly before the police captain ordered the charge made? A. No, sir.

Q. How long after you reached the courtroom of Judge Ryan was it that Ryan came out and convicted and fined you as you state? A. It took about five minutes.

Q. And did I understand you to say that a number of people, while you were sitting there, and before he came out, went into the judge's private room? A. I did see people go in there.

Q. How many? A. There were three or four.

Q. Did you recognize any of those people as being officers in civilian's clothes? A. No, sir.

Q. Did the officer who was with you go in? A. No, sir.

Q. And was the first thing that was said upon your arraignment, the language used by the police justice, as you have testified to? A. Yes, sir; "you are charged with intoxication, and are fined \$5."

Q. Had anybody charged you with that in his presence? A. No, sir.

By Mr. Sutherland:

Q. Then, as matter of fact, you went after the assault, to the polls, and remained there all the rest of the day? A. Yes, sir.

Q. Until the polls closed? A. Yes.

Q. Until the ballots were counted? A. Not all through; I went until 11 o'clock.

By Chairman Lexow:

Q. Was this man that was arrested at your instance; was he discharged without any hearing of testimony, and without any hearing? A. I was put out of the courtroom, so I don't know.

Q. Your testimony was not taken? A. No, sir; I thought the officer had enough testimony to have this man locked up without me anyhow.

Q. The same officer who was present at the time of the false voting? A. Yes, sir.

Q. Was not present before Judge Ryan? A. Yes, sir; he was there, too.

Q. Did he go into Judge Ryan's room before you were arraigned? A. No, sir.

Q. A policeman there all the time? A. Yes, sir.

By Mr. Nicoll:

Q. Where are you living now? A. Thirty-five Bowery.

Q. What is that? A. That is Myers' Hotel.

Q. How long have you been living there? A. Nine months.

Q. Prior to that, were you living in Allen street? A. Yes, sir; 129.

Q. Where are you working now? A. Just now, I am not working at all.

Q. How long since you have been working? A. About a month.

Q. About a month? A. Yes, sir.

Q. Where were you last working? A. At Krals's.

Q. Haven't you worked since you worked at Krals's? A. No, sir.

Q. You have done no work for the last month? A. Yes, sir; I canvassed a little bit.

Q. Canvassed? A. Yes, sir.

Q. What do you mean by that? A. I was selling hens and chickens.

Q. Selling hens? A. Hens and chickens to put in egg store windows for Easter.

Q. Selling hens and chickens in the Bowery, or where? A. All over.

Q. All over the city? A. Pretty near; from Harlem bridge to the Battery.

Q. Who did you do that for? A. Phillips.

Q. You mean your relative? A. My cousin; yes, sir.

Q. When did you do that work? A. I done that up until about Thursday night.

Q. Last Thursday? A. Yes, sir.

Q. Where did you make this statement last that you have made here to-day? A. Which statement; right here?

Q. I say this statement you made here to-day; before this; who did you tell it to before this? A. Tell what?

Q. This story; this statement of your arrest and fine of \$5 and charge against McCaffrey? A. I made that statement a few days after election; I did not make it, but I wrote it out.

Q. Who did you write it to? A. To the Republican association.

Q. How long have you been in New York? A. Well, I have been here since I have been one year old.

Q. You are not a native of this city? A. Yes, sir.

Q. Were you born here? A. I was born in New Brunswick, in the State of New Jersey.

Q. How old are you? A. I am 37 years old.

Walter W. Bahan, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your name? A. Walter W. Bahan.

Q. Where do you reside? A. Two hundred and forty-six West Fourteenth street.

Q. What is your business? A. Lawyer and real estate agent.

Q. Were you a candidate for election to the Assembly last year? A. I was.

Q. Had you previously served in the Assembly? A. I had.

Q. What year? A. Assembly of 1893.

Q. That year you were a member of the Assembly as a Tammany Hall representative? A. I was.

Q. And last year you filed an independent nomination? A. Yes, sir.

Q. Who was the regular Tammany candidate? A. John McDermott.

By Mr. Nicoll:

Q. What district is this in? A. Ninth.

Mr. Sutherland.—Ninth Assembly district, Mr. Nicoll; I have subpoenaed Mr. Kipp here to bring these papers.

Mr. Nicoll.—Don't call him if unnecessary; I will admit them.

Mr. Sutherland.—I show the witness the petitions for the independent nominations of Walter W. Bahan for Member of Assembly in the Ninth Assembly district, and indorsed, "Filed October 21, 1893, at 11:50 a. m." All I care for is the fact that they were there and were filed at that time.

By Mr. Sutherland:

Q. Did you visit the office of the bureau of elections on the third day after your petitions were filed? A. Not the office of elections; no, sir.

Q. The bureau of elections? A. Not the bureau of elections.

Q. What was it? A. The clerk of the police department.

Q. And who was in charge of that department? A. Major Kipp was in charge as the clerk, and Mr. Delamater is clerk there.

Q. Who was in charge? A. Delamater.

Q. Who was with you? A. John E. Flannery and David Lloyd.

Q. Do you remember what time of the day it was? A. I think it was about 1 o'clock.

Q. You went there to inquire whether objections had been filed? A. I went there twice.

Q. Twice on that day? A. And on the following day.

Q. Did you make the inquiry on this day—the third day?
A. Yes.

Q. What reply did you get? A. No objections here.

Q. You went there the next day and made the same inquiry?
A. Yes.

Q. What answer did you get? A. No objections had been filed; no objections to my nomination.

Q. You understood that the statute provided that unless objections were filed within three days, your name would have to be printed on the ticket? A. Yes; within three days of the filing of the certificate.

Q. And on the fourth day they told you none had been filed?
A. Yes, sir.

Q. Did you subsequently learn objections had been subsequently filed? A. I did.

Q. When? A. On the day in which the police commissioners sat and heard the evidence.

Q. And how long was that after the three statutory days?
A. About three days.

Q. Three days afterward?

By Chairman Lexow:

Q. Making six after the filing? A. Yes, sir.

By Mr. Sutherland:

Q. And then for the first time you learned that objections were before the commissioners? A. Yes, sir.

Q. Did you go there in person? A. I did.

Mr. Nicoll.—Are not the objections here?

Mr. Sutherland.—Possibly.

Mr. Nicoll.—Don't they show the date of filing?

Mr. Sutherland.—No; the record will show.

Q. Did the police commissioners assume to go on these objections? A. They did.

Q. And what disposition did they make of it? A. They accepted the objections, and threw out the certificate.

Q. That is, threw out your certificate? A. Yes, sir.

Q. Were you compelled to go to the courts? A. I was.

Q. And obtained a mandamus? A. I did.

Q. And required them to print your name? A. I did.

Q. Your name was afterward printed? A. On a separate ballot by itself.

Q. In pursuance of an order of the court? A. Yes, sir.

By Chairman Lexow:

Q. On a separate ballot? A. Yes, sir.

By Mr. Sutherland:

Q. That was an independent nomination? A. No other name was on it.

Q. At the time these police commissioners were sitting, six days after your papers were filed, did they claim the statute gave them authority to receive the objections after three days? A. I heard no such claim.

Q. Did they claim they had any power to legislate on that subject themselves? A. I heard no such claim.

Q. They simply took them and acted upon them? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. Was it not claimed in that case that the certificate of nomination was not in apparent conformity with the provisions of section 65 of the Election Code? A. Well, I presume that was their claim—I beg your pardon, Mr. Nicoll, that was not their claim.

Q. You understand the rule in regard to the three days objection? A. Yes, sir.

Q. There is one exception to it, and that is where it is claimed that the certificate is not in conformity with the provisions of article 65? A. Yes, sir; they made no such claim.

Q. Well, was the question that objections were improperly considered litigated before the justice? That was not the question litigated before the justice? A. Before Judge Barrett.

Q. Yes, whoever decided it? A. I can tell you what the question was there, and answer your question more fully.

Q. Are you a lawyer? A. I am, yes; the question there was that the affidavits to the nominee's certificate were not in forma, inasmuch as the affidavits of the persons having signed certifi-

ates was not taken, and that the other person in signing that certificate, filed counter-affidavits that they did not know what they signed when they signed those certificates.

Q. That is, you filed with the police commissioners a petition—a certificate of nomination in apparent conformity with the statute; it appeared by its face to be regular? A. Yes, sir.

Q. Afterward several persons who had signed it, made affidavit that they had signed it under some mistaken facts? A. That is the fact.

Q. Then the commissioners heard those objections, didn't they, under those circumstances? A. They heard the assistant district attorney, Mr. McIntyre, who appeared for them.

Q. Then they decided against you, and threw out your independent nomination? A. Yes, sir.

Q. And the judge restored you to your position on the ground that your certificate of nomination could not be attacked in that way? A. That is about the size of it.

Q. That is about the size of the whole thing; and you ran for office, and were either defeated or elected, I forget which? A. I think it is a matter of record; I was defeated, of course.

Mr. Nicoll.—Very well; as matter of record we will take judicial notice of it.

Mr. Sutherland.—Then I will offer in evidence unless counsel is ready to go upon record as making the concession, that, as matter of fact, these certificates did in all respects conform to the statute.

Chairman Lexow.—I understood Mr. Nicoll to admit that fact, The only dispute there was, was as to the validity or the good faith alone of some affidavits.

Mr. Sutherland.—The signatures.

Mr. Nicoll.—I don't know anything about it.

Mr. Sutherland.—I offer them all in evidence.

Papers marked "Exhibit 1" of this date.

By Chairman Lexow.

Q. During your canvass as Member of the Assembly, were you persecuted or interfered with by the police? A. Personally, I was not.

Q. Was your canvass? A. Indirectly; yes, sir.

Q. In what method? A. They meddled with people who joined my association; being in the liquor business, their places were pulled on Sunday, while other places were allowed to remain open.

Q. How many incidents do you know of that having been done? A. I know of three friends of mine who declared their places were pulled.

Q. On the Sunday following their declaration in your case?
A. Yes.

Q. Were these places pulled more than once? A. Only once.

Q. By "pulling" you mean they were closed up every Sunday?
A. The bartenders were arrested, or the proprietors.

Q. Were arrested? A. Yes, sir.

Q. And charged with unlawfully selling? A. Violating the Sunday Excise Law.

Q. You know personally of three instances of that kind? A. Yes, sir.

Q. Do you know of any of these liquor dealers who were interested in the canvass of your opponents who were closed up at the same time? A. No, sir.

Q. Not one? A. Not one that I know of; just the reverse; these men who were closed up were made to promise to be good, faithful Tammany men and support John McDermott.

Q. And in consideration of that promise their places were left open? A. I presume so; I did not visit them; I never heard of their being arrested again.

Q. Did you see their places open? A. I did not.

Q. Do you know who did? A. I do not.

Q. Was there any other interference with your campaign? A. I only heard of one in which a party was asked to take back their signature from my certificate.

Q. Do you know whether the police were instrumental in that? A. No more than about five minutes after he refused to take his name back the man was compelled to take in his showcase.

Q. Do you know his name? A. He has been subpoenaed as a witness here to-day.

Q. What was his name? A. William H. Richards.

Q. Were his showcases interfered with before he came out for you? A. Not to my knowledge.

Q. Were the showcases of anybody in favor of your political opponents interfered with in the campaign? A. No, sir; not to my knowledge.

Q. How long after this man had declared for you was this interference with the showcases had? A. Within five minutes after he had refused to withdraw his name from my certificate, and sign a certificate stating he did not know what he had signed.

Q. There has been some testimony here that certain of these affiants afterward withdrew their affidavits charging they had signed that ignorantly; do you know whether they were induced to do that by the police? A. That I don't know; I do not believe they were; it was by the captains or the leaders of the Ninth Assembly district.

Q. Were your campaign wagons interfered with during the campaign? **A.** They were, at one time.

Q. By the police? **A.** No, sir; the police went to work and caught hold of the horses' heads, and refused to have them go through my meetings, and held them until I told them to let them go through; they tried to break up my meeting; the police prevented them from doing it, and refused to allow the wagon to go through, until I told them to let go of the horses and let them go through; I had no interference from the police.

By Senator Bradley:

Q. You got the protection of the police? **A.** Yes, sir; I will give everybody their dues.

By Mr. Nicoll:

Q. Were these three liquor dealing friends of yours violating the law? **A.** Not being present, I do not know; I presume they were, otherwise they would not have been arrested.

Q. They were selling liquor on Sunday? **A.** I don't say they were; I presume they were; but when they arrested those three they ought to arrest every man in the ward.

Q. And they do that over in your ward? **A.** I presume so; not going around among all the liquor stores; I do not think it is hard to get into any liquor store in my ward on Sunday.

Q. Confine yourself to your own ward; I ask you whether or not, as matter of fact, all the liquor stores in that ward during that month were open on Sunday? **A.** I don't know; because I made no canvass of them on Sundays

By Mr. Sutherland:

Q. It was not understood that these three friends of yours were any exception to the rule? **A.** Well, it was understood that way.

Q. I mean to say as far as their operations on Sunday were concerned? **A.** No, sir; there was no understanding of that kind; it was only to draw their allegiance from Bahan to McDermott; that is all.

William H. Kipp, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. You are the clerk of the bureau of elections of the city of New York? **A.** No, sir; the chief clerk of the police department.

Q. And it is in your office that certificates of election are

required by the statute to be filed—I would say, certificates of nomination? A. In my office; yes, sir.

Q. I show the witness Exhibit 11, which is the record of the certificate of nomination of Walter W. Bahan; when was that filed in your office? A. October 21st.

Q. What year? A. Eighteen hundred and ninety-three, at 11:50 a. m.

Q. Eleven-fifty a. m., October 21, 1893? A. Yes.

Q. I show the witness a bundle of objections; the certificate of nomination is indorsed when it is filed, isn't it? A. Yes, sir.

Q. Indorsed with pen and ink? A. Yes, sir.

Q. Do you hold in your hands objections to that certificate? A. I do.

Q. Were they filed with you? A. They were.

Q. Is there any indorsement upon any of them as to the date of that filing? A. No, sir.

Q. When were they, as matter of fact, actually filed? A. October 26th, at a board meeting.

Q. You have in your possession the records of that board? A. I have.

Q. And that record shows that on the 26th day of October those objections were filed? A. Yes, sir.

Mr. Nicoll.—No cross-examination.

By Chairman Lexow:

Q. Were they filed with you? A. I first saw them at a board meeting.

Q. You were present at the board meeting? A. Yes, sir.

Q. Why was it no indorsement of the date of filing of the objections was made? A. The papers were sent down immediately after to the corporation counsel's office to be used in a process which had become before the court asking a mandamus, compelling the board to print, I think, they went down the next day. Probably the opportunity was not offered at that time, to indorse them.

Q. Is it not customary in your office to place the date of filing or indorse the date of filing on the papers as they are received? A. I made the record on the minutes at that time, and sent the papers immediately off—in the minutes of the board of October 26.

Q. Do those minutes disclose those papers were filed on that day? A. Yes, sir; the certificate of Mr. Bahan came there on the 24th, and was laid over until the meeting of the 26th.

Q. Who represented the objectors? A. Mr. McIntyre.

Q. In the district attorney's office? A. Yes, sir.

Q. Anybody else? A. Not that I know of, sir.

Q. Was there any representative of Mr. McDermott's there?
A. I do not remember that he was; I do not know that he was there.

Q. Any representatives of his? **A.** I did not hear of it.

Mr. Sutherland.—I do not care to put all these into the record, but I should like this note to be made: that the first in the list appears to have been sworn in on the 26th day of October, 1893, and that it is written upon letter-heads bearing this indorsement: "Tammany Hall Headquarters, Democratic-Republican General Committee, Ninth Assembly District, 587 Hudson Street, Ross Building;" I desire the further fact to go upon the record, that, as I understand it, all of these affidavits were sworn to either on the 26th or 25th day of October; the certificate of nomination having been filed on the 21st, so that these papers could not have been filed within the three days prescribed by the statute; now, Mr. Nicoll, I do not desire to keep these papers here, and do not want to be responsible for them, and that paper has been marked as exhibit.

By Chairman Lexow:

Q. I would like to ask Mr. Kipp a question or two more, if he will take the stand again, please; has any notification been received at the office of the commissioner with reference to the testimony that has been taken here bearing upon the actions of the police, and especially the action of Captain Devery during the last election? **A.** Since this session?

Q. Yes? **A.** No, sir.

Q. No papers are on file there at all in reference to this matter?
A. No, sir.

Q. Do you know whether or not the police commissioners have knowledge of the testimony that has been taken here? **A.** I do not, sir.

Q. Has Captain Devery been called before the police commissioners and asked in reference to his actions, on last election day? **A.** No, sir; not with my knowledge.

Q. Have you any record in your office of any prosecutions or complaints with reference to the action of the police on last election day? **A.** No, sir; I have none.

Q. Is there any record in the office? **A.** No, sir.

Q. Have any complaints been made, or charges against Captains Devery or Williams in regard to the occurrences in the Third Assembly district, during last election?

Mr. Nicoll.—Captains Devery and Williams?

Q. Captains Devery and Williams? **A.** Captain Devery and Inspector Williams; I do not know of any, sir.

Q. Or against any ordinary policeman with reference to whom it has been claimed in the police prints and elsewhere that they

were guilty of interference and neglect of duty on that day at the polls? A. Not that I am aware of.

Q. No charges of any kind? A. Not that I am aware of.

Q. Had any investigation been made by the commissioners of those facts? A. I don't know of any.

Q. If such a thing is put on file? A. I would have to make an examination.

Q. Wouldn't you be the proper officer before whom the papers would be filed? A. They are, unless complaint was made to the superintendent personally, of which I never received copies.

Q. You know there is a general opinion in this community that the police did interfere during the last election in at least two Assembly districts in this city? A. What is the question?

The Chairman.—The stenographer will read it.

(The stenographer read the question.)

Q. You have heard of that fact, haven't you? A. No, sir.

Q. You have not? A. No, sir.

Q. Haven't you heard of any facts in relation to police interference in the Second and Third Assembly districts in this city during last election? A. I only heard of it through reports of this committee, reading it in the papers.

Q. Do you know whether or not the commissioners are equally ignorant with you in reference to that matter? A. I don't know, sir.

Q. It has never been a subject of conversation among the police commissioners in your presence? A. I don't know of anything of the kind, I have not heard of anything; I have no official knowledge of that kind, either.

Q. Have you read the testimony that has been printed in the newspapers that has been taken before this committee? A. Yes, sir.

Q. You have seen there definite charges made against police officers, have you not? A. Yes, sir.

Q. Is it possible that the police commissioners have, for the past four months, been entirely ignorant of those facts? A. I don't know sir.

Q. Do you know? A. I don't, sir; I don't know of that fact; of course, what their knowledge is, I don't know.

Q. No charges or complaints have been made at the office? A. None that I am aware of.

By Senator Bradley:

Q. That is, any charges made you would have a record? A. If any charges were made, it would be in my charge as clerk.

Q. Do the police commissioners, never, on their own motion,

when they become aware of breaches of duty on the part of police officers, bring the policeman to trial? A. They direct the superintendent to make charges, which they have filed with them, with a complaint against the officer.

Q. No such direction has been had in this case? A. Since last election, I could not say that, without making reference to the files; there are a great many complaints made against officers during that time, and I would like to make an examination of that, and then come before you and testify of that fact, I would not like to do it from memory.

Q. You are certain no charge has been made by the commissioners against Captain Devery? A. None that has come within my knowledge, or when I have been present at the meeting of the board.

Q. Or against Inspector Williams? A. No, sir.

Mr. Nicoll.— Why should they?

Mr. Sutherland.— I am asking for the fact.

By Mr. Nicoll:

Q. You say you have read the testimony taken before the committee? A. Yes.

Q. Do you know anything about the character of the witnesses examined here? A. No, sir.

Q. You do not know whether they are persons of good or bad character? A. No, sir.

Q. Or whether they are disappointed candidates, persons of political bias, or otherwise, do you? A. I know nothing about that.

Morris Tekulsky, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Thirty-nine Oak street, city.

Q. What is your business? A. Liquor business.

Q. And you have some official connection with their organization? A. Yes, sir.

Q. What is it, please? A. President.

Q. President of the State organization? A. Yes, sir.

Q. And for a number of years you were president of the State organization? A. I was president of the city organization for a short time, and vice-president for four or five years.

Q. And when were you elected the president of the State organization? A. First?

Q. Yes. A. A year ago last September.

- Q. And that is an officer elected annually? A. Annually.
- Q. So you have been re-elected? A. I was re-elected last year.
- Q. You are a delegate to the next Constitutional Convention?
- A. I am.
- Q. Sent from what Senate district? A. The Eighth.
- Q. Nominated by Tammany Hall? A. Nominated by Tammany Hall.
- Q. Do you remember at whose instance? A. I do.
- Q. Whose was it? A. At the instance of the committee of Liquor Dealers Association of New York County.
- Q. And they operated through whom? A. Through Mr. Croker; they went to see Mr. Croker, the leader of Tammany Hall.
- Q. You have had occasion to visit Mr. Croker, yourself, in regard to the members of the association? A. Different times; I suppose I have.
- Q. Did you go at one time with a committee of the association to see Mr. Croker? A. At this time?
- Q. Yes; when was that? A. It was just prior to the nominations; what date I do not know.
- Q. Did you ever go with a committee more than once to Mr. Croker? A. Not at this time.
- Q. You have been with a committee at other times? A. Probably a hundred times.
- Q. Now, was there a time when you visited Mr. Croker and talked with him about—made complaints about the operations of the policemen; and did you visit him with the committee? A. No, sir.
- Q. Do you remember a time when you and a committee of your association called upon Mr. Croker with regard to the interference of the police with the liquor dealers of New York? A. Yes.
- Q. When was that? A. It was a good many years ago; I could not tell you exactly when.
- Q. Well, didn't you call on him within the last six months on that errand? A. No, sir.
- Q. Didn't you call on him within the last three months on that errand? A. No, sir.
- Q. In reference to the police interference? A. I do not know as I called upon anybody lately in reference to that.
- Q. Was there a committee appointed on that subject, of which you were one, within the last six months? A. No, sir.
- Q. Did Mr. Croker tell you, or the committee in your presence, within the last six months, that he would have the police captains instructed thereafter to obey the orders of the Tammany Hall captain in that district with regard to the arrests with regard to violations of the Excise Law? A. No, sir.
- Q. Did Mr. Croker tell you and this committee that you could

go yourself to any Tammany district leader, and upon your request he would compel the police to do whatever you wished in this regard? A. No, sir.

Q. Did you and your committee go back to your association and report such a conversation? A. No, sir.

Q. And you have not told this to anybody? A. No, sir.

Q. You have to deal with licenses somewhat? A. At times.

Q. Can anybody get a license without a recommendation from the Tammany Hall district leader? A. At times they can.

Q. How many of such are there in the city? A. That I could not tell.

Q. Within your knowledge? A. I could not tell.

Q. You say at times—what times? A. There are some people who get them without any trouble, and others get them through friends and recommendations.

Q. Is it not true that every license has to be approved by a Tammany Hall district leader in that Assembly district? A. No, sir.

Q. It is not true? A. No, sir; it is one of the things I am opposed to.

Q. Have you ever had patrolmen transferred? A. Yes, sir.

Q. How many? A. One.

Q. Who was he? A. Peter Carter.

Q. And from what district to what district? A. My own district.

Q. He was transferred from your district? A. Yes, sir.

Q. To what? A. I believe to the first.

Q. What was the reason for his transfer? A. He insulted me.

Q. He insulted you? A. Yes, sir.

Q. And he also arrested a liquor dealer? A. I suppose he arrested a good many.

Q. Wasn't that the reason he was transferred? A. No, sir.

Q. Do liquor dealers come to you when they are arrested? A. Sometimes.

Q. You go from them to the police commissioners? A. No, sir.

Q. Who do you go to? A. I go to the court with them.

Q. What have you visited Croker for? A. The same as I would any other man.

Q. You have gone there with committees, you say? A. At different times.

Q. For what purpose? A. There are a thousand and one different reasons.

Q. Yes; well, you went once to talk about your nomination to the Constitutional Convention? A. Yes, sir.

Q. What were the reasons for these other visits? A. Well, there was a committee first called on Mr. Croker some years ago to ask him to use his influence when he was a fire commissioner to get the commissioners of excise and the police to let up a little bit on the liquor-dealers; he was unable to do anything, as there wasn't anyone who represented his organization on either board.

Q. How has it been within the last two years; just confine yourself to those dates; have you visited Mr. Croker on that errand within the last two years? A. I don't believe I have; I have had no occasion to.

Q. You have had no trouble in the last two years in regard to those arrests? A. Very little.

Q. How many times have you been in court? A. I suppose there has been as many arrests in the last two years as before.

Q. How many times have you been in court on them? A. I may have been 500 times in two years.

Q. Pretty near every other day? A. Pretty near.

Q. Pretty nearly a daily occurrence? A. Pretty near.

Q. Did you talk to the officers that made these arrests? A. Sometimes.

Q. And you have not demanded the reasons for making these arrests? A. No, sir.

Q. Haven't you attempted to direct the officers not to make such arrests? A. I would do that, yes; do that now, and stop it.

Q. And haven't you stated to the officers if they continued those arrests you would have them transferred? A. No, sir.

Q. Haven't you done that right in the courtroom? A. No, sir.

Q. In the presence of other policemen? A. No, sir.

Q. Now, Mr. Tekulsky, does your association keep records? A. Yes, sir.

Q. Can you produce before this committee the records showing the appointment of committees for your association within the last six months? A. By all means.

Q. And showing the reports of those committees? A. Yes, sir.

Q. And the action of your association thereon? A. I suppose so.

Q. Will you furnish those to the committee at their next session? A. That I can not promise; I am not the secretary.

Q. I ask you if you can furnish them? A. I can, with his consent, and the consent of the organization.

By Chairman Lexow

Q. Who is the secretary? A. Henry Keilty.

Q. Where is his place of business? A. One Hundred and Seventeenth street and Third avenue.

By Mr. Sutherland:

Q. What is his business? A. Liquor business.

Q. And that is his liquor store? A. That is his store, his business.

Q. He has the secretary's office in the same place? A. He has no office particularly; that is where he is supposed to keep the books and he—I can not say as to that.

Q. Where else may they be? A. They may be at the headquarters, No. 8 Union square.

Q. Is anybody in charge there? A. The janitor.

Q. Anybody that has access to the books? A. Nobody but Mr. Keilty.

Q. Don't you remember making a statement more than once that this subject of putting the police, so far as the Excise Law was concerned, under the command of Tammany Hall districts, has been discussed by you on more than one occasion? A. I don't entirely get the drift of your question.

Q. Haven't you stated on more than one occasion, and to more than one person, that you did visit Mr. Croker, and heard from him the statement that the police captains in the several precincts would be instructed so far as the enforcement of the Excise Law was concerned, to take their orders from the Tammany Hall captains? A. Positively, no.

Q. Stated it to anybody? A. No, sir.

Q. And no such thing took place? A. No; positively.

Q. And no such committee visited Mr. Croker? A. No, sir.

Q. And your association did not resolvè that they would rather be under the police than under the Tammany captains? A. No, sir; you are trying to get something more than what it really is; I am not going to tell you the minutes of our association unless I am compelled to; I am answering every question you ask me; I positively deny every statement.

Q. What is the true version of it? A. What do you mean?

Q. I am telling it different from what it is, you say? A. You are trying to ask the question positively about speaking; I spoke to many a person, but what our conversation was I could not tell you; but anything that you will ask me, if you get anywhere near anything I can remember, I will answer you truly.

Q. I do not care so much about your conversation with other people, but it is from what you have told other people? A. What I told other people, if you tell me anything I said, I will answer you.

Q. I want to know what information they received from that telling; I want to know what there was about putting the police, so far as the Excise Law is concerned, under the command of the Tammany captains? A. I am telling you that the questions you are asking me, there is nothing in it.

Q. What is the question I should ask you to get at the fact? A. I don't know.

Q. What is the true story about that? A. About what?

Q. About the police captain being put under the command of the Tammany captains? A. I don't know.

Mr. Sutherland.—Well, I will have to bring somebody else, then. You may cross-examine.

By Mr. Nicoll:

Q. Nothing in it at all, is there? A. Nothing in it at all.

By Chairman Lexow:

Q. One moment, do you know of any facts that you have not testified to here, relating to the police interference with liquor dealers in connection with elections? A. No; I don't know that I do.

Q. Do you or not know that during the last election the police interfered with liquor dealers in this city with a view to inducing them to support one or the other political party? A. No; nothing of that kind.

Q. Have you any facts in your knowledge or recollection which would cast any light upon that subject? A. I haven't a thing; nothing at all.

Q. Have the excise prosecutions in this city not been used as a method of driving liquor dealers into support of one or the other political party? A. Positively, no.

Q. Do you know of anything in reference to that to your knowledge? A. No; I am only speaking of the members of my organization; I know nothing outside of it.

Q. How many are included in the membership of your organization? A. Somewhere in the neighborhood in the city of New York, of about 4,000.

Q. Four thousand people that have the business of selling liquors? A. Yes, sir; retail.

Q. And do you mean to be understood here, as stating that the police have not on any occasion interfered with any of the members of your organization with a view of compelling them to give their support to one or other of the political parties? A. The police?

Q. Yes. A. No; positively not.

Q. Or the district authorities, aided by the police? A. No, sir.

Q. Do you mean to be understood as stating that the excise prosecutions have not been used for the purpose of compelling support politically for one party or the other? A. Positively not; to any of the members of my association — the association that I represent.

Q. Has your experience within the past two or three years been that those represented by your organization have been interfered with by the district leaders of a political party? A. No; not to my remembrance.

Q. Not at all? A. Not that I know of.

Q. Is one of the objects of your organization to protect your members? A. It is.

Q. Against interference by district leaders or the police? A. It is.

Q. And to stand between the police and the members of your organization? A. We stand between the police and any other organization against us.

Q. That is to say, you render your services by standing between other political influences or the police as against the members of your organization; that is your business, isn't it? A. Our business is that we shall stand by our members against other parties.

Q. But your association has sprung into existence because of the necessity you found of having some central power to aid and support your members against either the district leaders or the police in this city? A. Not at all; that was not the question at all; it was the oppression of the Republican party that got us to start an organization.

Q. You mean legislation on the liquor question? A. Yes; that is the reason that we started the organization.

Q. Now, there are about 10,000 liquor saloons in the city of New York, are there not? A. No, sir.

Q. How many? A. About 6,500.

Q. So that your organization includes all but about 2,500? A. About all.

Q. Do you support the organizations not included in your association? A. We haven't only one in this city, that is not included —

Q. Any of the 2,500? A. I say there is not but one organization in the city of New York, that is, outside the Liquor Dealers' Association, that is the Bohemian organization that does not understand our language, and they have a separate organization of their own, and that is on the east side; they are the only ones

not connected with the central organization of the New York Liquor Dealers' Association.

Q. But that organization does not include the 2,500 liquor dealers that are not members of your association? A. No, sir.

Q. Do you support or protect any of these 2,500 other liquor dealers that are not in your organization? A. Indirectly we do, because what benefits one benefits all.

Q. By intervening in their behalf, when prosecutions are brought before police justices in this city? A. Not at all; we do not care anything about them; we do not support them at all.

Q. You do intervene in behalf of your members when prosecutions are brought in this city against members of your association in a Justice's Court? A. We do; we furnish counsel; we furnish counsel, and try to get the best of the argument as we can.

Q. And you say you appear about 500 times a year in prosecutions of that kind? A. Well, the question was asked me about how many times I had been in court in the last two years; I might have been there about 500 times.

Q. During your experience as a defender of these charges against liquor dealers, have you found that they were arrested as a result of political influence? A. No, sir; I do not know of a case.

Q. Not at all? A. No, if such a case would occur, and it was a matter of our association, they would hear from us; we have no affiliations with any political organization.

Q. Do you know whether or not it is a fact that if a liquor dealer in this city supports the dominant party here that he is permitted to violate the law in reference to Sunday opening or closing and in reference to opening his saloon after the hours prohibited by law, and if he does not support that dominant party he is closed? A. That is not so.

Q. Do you mean to state that as a fact? A. I state that as a fact, as far as our members are concerned; I bother myself not at all about other people.

Q. In other words, you do not know whether that statement is true, with reference to other liquor dealers or not? A. I don't know anything about that; I go to sleep nights easy about that; it don't bother me at all.

Q. Is it not a fact, within your knowledge, however, that favoritism is shown to liquor dealers, some being permitted to have their saloons open after opening hours, and others being closed by the police of this city? A. You mean now?

Q. I mean within the last two years? A. No, sir.

Q. Or now? A. No, sir.

Q. That you have not, in your experience, known of any facts of that kind? A. No, sir.

Q. It is a fact, however, isn't it, within your experience, that some are allowed to remain open and some are closed? A. Do you mean within the last two years?

Q. Yes? A. No.

Q. Are all allowed to remain open, or are all closed during those hours in which the selling of liquor is prohibited by law? A. Every man has to take his chances.

Q. And that implies that some are allowed to remain open and some are closed? A. I did not say that; I did not imply anything of the kind; every man who violates the law takes a chance; if a man is all right, he don't get caught, in every avocation.

Q. Do you know whether they all take these chances, or only some? A. I could not tell you; my experience is, I do not believe there is hardly a liquor dealer in the State of New York, outside of New York city, from Buffalo down to Montauk Point—

Q. That does not take those chances? A. Why, certainly.

Q. Is it not a fact, in your knowledge, that there are dealers in this city who are compelled to keep closed during the times prohibited by law for selling liquor? A. Positively, no; not one person more than another.

Q. Don't you know instances when they are compelled to keep closed? A. I do not know of one; I can not think of one.

Q. I mean keep closed during those hours when the selling of liquor is prohibited by law? A. It is supposed every place should be closed during the hours prohibited by law; it is supposed that every place is closed.

Q. But they are not? A. Well, that is for the committee to find out; I don't know; I sometimes keep open myself.

By Mr. Nicoll:

Q. You have been arrested for it, too, haven't you? A. I have been arrested for it, too; I will take that same chance to-morrow; the same as everybody else does.

By Mr. Sutherland:

Q. To-morrow is not Sunday; you mean next Sunday? A. I don't know.

Q. Did you keep open yesterday? A. I don't know; I was not there; I was out of town.

Q. Now, I understood you to answer the chairman of the committee that your organization was formed on account of Repub-

lican oppression; how long have you been a member of the city organization? A. Oh, since 1884.

Q. How many departments of the city government have been under Republican control since then? A. Now—

Q. Answer the question? A. There has not been any.

Q. Has there been any department of the city government of New York under Republican control since you have been in New York city? A. No, sir.

Q. You go into court solely in the city of New York? A. Oh, no.

Q. Have you represented these men outside of the city of New York? A. Many times.

Q. How many times during the last two years? A. Well, I suppose about five or six times.

Q. And 500 times all told; so that 495 of them are cases within the limits of the city of New York? A. Oh, by all means; I am here on the ground all the time.

Q. There is where the oppression is, isn't it, in the city of New York? A. Yes.

Q. Those are the cases you have to defend? A. Yes, sir.

Q. And there is no department in the city of New York that during the last two years has been under Republican control? A. No.

Q. Has the law with regard to selling on Sunday changed within the last two years? A. It has.

Q. How much? A. On Sundays?

Q. Yes? A. No.

Q. Has it changed since 1884? A. No.

Q. Has it changed within your memory? A. No, sir.

Q. The law has always been a saloon shall be closed on Sunday? A. Yes.

Q. Is that the principal difficulty you have with the police about opening on Sunday? A. I do not know that we have any difficulty.

Q. You have been 500 times in court during the last two years in respect to what complaint? A. To go there and get bonds for a man that is arrested for the violation of that law?

Q. That is the particular complaint in the majority of the cases, isn't it—the Sunday law? A. It is all Sunday law, as a rule.

Q. That Sunday law has always been on the statute books so far as your experience goes? A. It has.

Q. Neither a Republican Legislature nor a Democratic Legislature has changed it? A. No.

Q. And the enforcement, in the main, so far as you are concerned, relates solely to the city of New York? A. Oh, no; I happen to cover the State of New York; I am the State president.

Q. But your presence in court, except five or six times, has been in the city of New York? A. That is all.

Q. And as you understand it, Tammany Hall has control of the police force in the city of New York? A. I do not understand anything of that kind.

Q. Do you know Mr. Martin? A. I do.

Q. A personal friend of yours, isn't he? A. No, no more than any other of the commissioners.

Q. Of course they are all your friends, are they not? A. I do not know as they are friends of mine.

Q. Do you call upon them frequently? A. No.

Q. Didn't you go in regard to these very cases to see those commissioners? A. No.

Q. How many of the police commissioners belong to Tammany Hall? A. I believe there is three Democrats and one Republican; I suppose they all three belong to Tammany Hall.

Q. And when you wanted to go to the Constitutional Convention, you went to Mr. Croker? A. By all means, there was no other place to go to.

Q. Did the police differ from other people in regard to the control of Tammany Hall?

Mr. Nicoll.—What is that, Mr. Sutherland? Don't you think, Mr. Chairman, that is rather an irregular question? He can not speak for the police.

Mr. Sutherland.—I will change it.

Mr. Nicoll.—Are the police different from other people? You are going to withdraw it altogether?

Chairman Lexow.—I think it had better be withdrawn. I do not think it is a proper question.

Q. Have you ever mentioned these cases of arrest of the policemen to any of the police commissioners? A. No.

Q. Not within the last two years? A. No.

Q. Have you never conversed with either of the different commissioners? A. No.

Q. Within the last two years? A. In a casual way I may have, but I do not remember anything of that kind; never officially.

Q. To whom have you, as president, made these complaints? A. Oh, complaints?

Q. Yes; about the arrests? A. I have never made any complaints.

Q. To nobody? A. No, sir; if a man violates the law and gets arrested, he is entitled to be arrested; I don't care who he is.

Q. Are your duties confined simply to the defense? A. To the defense.

Q. Don't you seek to obviate the future arrests? A. Do we what?

Q. Don't you seek to obviate future arrests? A. We are trying to form some kind of plan; if we could do it, we would only be too happy to do so; we went to the Legislature and tried to do that.

Q. Did you go to any official on that subject? A. Certainly not.

Q. And that is not a subject you ever talked over with the police commissioners? A. The only thing we ever talked over is, we wanted to be treated fairly.

Q. Who did you talk that to? A. I talked that to any candidate that is running for office.

Q. Talked that to the police commissioners? A. Talked it to the police commissioners, or anybody, and would talk it to the President of the United States, if we could get it.

Q. I asked you if you talked that to the police commissioners? A. I suppose I have; I don't recollect any special time.

Q. Is it because you have done it so often that you don't remember? A. I don't meet them very often.

Q. Would it be a circumstance that would impress itself on your mind if you applied to the police commissioners? A. Officially, it would be in my mind.

Q. Do you mean to say that you can not remember a single instance in which you have gone to the police commissioners and made that suggestion? A. I can not say.

Q. Do you mean you can not remember? A. I have a pretty good memory.

Q. Is it not true that you have more than once talked with Commissioner Martin, if you please, on that subject? A. On the subject of —

Q. Of avoiding future arrests of the liquor dealers? A. Positively not.

Q. Have you talked with him on the subject of your liquor dealers being treated fairly? A. Well, I don't believe they have ever been treated fairly.

Q. Have you talked with him on that subject? A. I don't know whether I have or not.

Q. Neither do I; I am waiting for you to tell me? A. I don't know.

Q. Do you mean to say you can not remember any such instance? A. I don't know.

Q. Would you swear that you never have talked with him about that? A. No, I would not.

Q. Your opinion is they never have been treated fairly? A. That is my opinion.

Q. Haven't you stated that opinion to Mr. Martin? A. I would state that to anybody.

Q. Haven't you stated that to him? A. Probably I might.

Q. Haven't you stated it to the other police commissioners? A. I might.

Q. Isn't it true that you have? A. I can not say.

Q. Would you swear you have not? A. No, I would not.

Q. Have you ever talked with the district leaders of Tammany Hall on that subject? A. No, sir.

Q. Who is the leader in your district? A. Patrick Divver.

Q. What is your district? A. Second.

Q. Is that Justice Divver? A. Yes, sir.

Q. The police justice? A. Yes, sir.

Q. Did these cases ever come before him? A. Sometimes.

Q. Have you ever talked with him about that? A. Never.

Q. Never? A. Never; I do not go near him at all.

Q. Who do you go to? A. Whenever he is sitting on the bench and there is any excise case I do not go near the court.

Q. You don't go near the court? A. No.

Q. The cases do not need your attention then? A. Yes; just as much as it does with any other judge.

Q. Why don't you go? A. Because he is in my district; that is the reason; I do not want people to think I would have more influence with him than anyone else.

Q. Then you send a man? A. Oh, no; I don't send anybody; I let them take care of themselves.

Q. The cases of arrests in your district go undefended as far as your association is concerned? A. When he is sitting on the bench I do not go near the place at all.

Q. Is there anybody representing your association who goes? A. I suppose there is at times.

Q. Do you recollect any such instances? A. Yes.

Q. Tell me the names of anyone who went and represented them before Justice Divver? A. I can't remember.

Q. Have you ever talked with Mr. Croker about liquor dealers being treated unfairly? A. I have.

Q. How many times? A. Oh, that would be impossible for me to say.

Q. So many times you can't tell the number? A. I can't tell.

Q. Is it so many times that you can't tell? A. That is about the size of it.

Q. And on that subject you have visited him with committees more than once? A. Not in the past two years now; this is all.

Q. Have you talked with him at all in the last two years on this subject? A. I don't believe I have, particularly.

Q. No, unparticularly? A. I don't know as I have.

Q. Do you know you have not? A. Well, now, I want to answer that right; what is the question now?

Q. Will you answer that you have not talked with Mr. Croker in the last two months on the subject of the oppression of the liquor dealers in the city of New York? A. I positively say no.

Q. On the subject of the liquor dealers being treated fairly; have you talked with him in the last two years? A. I say no; I have not.

Q. Have you talked with him in regard to liquor dealers of New York city within the last two years?

Mr. Nicoll.—Haven't we been over that, Mr. Sutherland, many times?

Mr. Sutherland.—No, sir.

The Witness.—I have, yes; lots of times.

Q. And with regard to the Excise Law? A. Yes, sir.

Q. And in regard to the manner of its enforcement? A. No, sir.

Q. With regard to the conduct of the police? A. No, sir.

Q. You say positively that you have not talked with him in regard to the police? A. I say positively I have not, within the last two years.

Q. Have you within the last three years? A. That is a year more; that gives a little more play; I probably have.

Q. It is not play; it is a serious matter. A. It gives me more latitude; that is what I mean.

Q. You can not have any latitude away from the truth; have you in the last three years talked to Mr. Croker about the conduct of the police? A. I have.

Q. When was it? A. It is over two years ago.

Q. When? A. I could not say when; it is over two years ago.

Q. Where? A. At almost any place I would meet him.

Q. How many times? A. I could not say.

Q. How many, as near as you can? A. We went to see him when he was city chamberlain.

Q. Who is "we?" A. Liquor dealers.

Q. How many of you? A. Three or four.

Q. Who were they? A. I would have to go back to the record; I could not state exactly who was on the committee.

Q. Who was on the committee; tell me one? A. William Pagent.

Q. Where is his place of business? A. Nineteenth street and First avenue.

Q. Who else? A. He is the only one I can remember, because he was the president at that time.

Q. You can not tell just when that was? A. Not — it is a long time ago; it is over two years, if not over three.

Q. Is that the last time you talked with Mr. Croker on that subject? A. Certainly not; I told you a hundred times to-day that I have spoken to him a good many times.

Q. Within the last two years? A. Well, I have spoken to him in the last two years, but not on the subject you claim.

Q. On what subject? A. You claim on the subject of police.

Q. What subject have you talked on? A. I asked him to support legislation.

Q. What else? A. I could not tell you.

Q. Anything else but that? A. I would repeat the same thing over again that I have.

Q. On any subject except legislation? A. Yes, sir.

Q. On what other subject? A. I suppose I spoke to him about that liquor dealers' association as an organization that is not a political organization; that we wanted to support the friends — people that would treat us fairly; and when Tammany Hall makes its nominations — did make nominations of men who were fair and unbiased, and things like that, we are willing to support the candidates if they do it.

Q. That all bears on the question of legislation; you know I am after another subject; have you talked with Mr. Croker on any other subject except the legislation connected with the liquor dealers? A. No, sir; that is the principal thing of legislation.

Q. If that is the principal thing, what else is there? A. Why, temperance agitation is unprincipled so far as we are concerned.

Q. And the police have to do that, haven't they? A. They don't have anything to do with us.

Q. Don't they make arrests? A. If they violate the law.

Q. Sometimes they make arrests when you claim a man has not violated the law? A. I claim that now; they claim it is a violation of the law because the place is open.

Q. And you claim the police make arrests that are in violation of the law? A. I do.

Q. Haven't you complained of that fact? A. I complain of that now.

Q. Haven't you before that day complained of that fact? A. I have.

Q. Haven't you complained to Mr. Croker of that fact? A. I don't believe I ever did.

Q. Haven't you complained to the police commissioners of that fact? A. I don't think I did; I think I complained to the district attorney one time; I might have done it a dozen times.

Q. You said you have complained thousands of times of that, to whom? A. A great many people.

Q. Who are the people? A. Really I would go a thousand times probably to the police and police judges and state it is not a violation of law.

Q. What other officials have you gone to? A. To the district attorney and explained the same thing.

Q. What other officials? A. Probably to the superintendent, and state the same thing.

Q. What other official? A. I could not say.

Q. You have complained of this to the police judge; the district attorney and superintendent? A. Yes, sir.

Q. You never made a complaint to the patrolman? A. No, sir.

Q. Or the police commissioner? A. No; not on that subject.

Q. Or a captain? A. I might do that; I might say the same thing.

Q. You have talked that way to a police captain very frequently, have you? A. I would.

Q. You have? A. I don't say frequently; whenever we got on the subject.

Q. You have talked with them about that? A. Yes, sir.

Q. And have complained the law was violated by those policemen in arresting your men? A. Yes, sir.

Q. More than once? A. Yes.

Q. Repeatedly? A. Lots of times.

Q. To more than one captain? A. Yes, sir.

Q. Pretty near all of them? A. Well, I don't know them all.

Q. All that you know? A. All those I come in contact with, yes, sir.

Q. And that has continued down to the present time, hasn't it? A. To the present time.

Q. Ever since you had official connection with this organization? A. Not ever since; it is since 1872 that it is not a violation of the law to keep the place open.

Q. And you have only made these complaints in the last two years? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. None of the officials you complained to were able to take your view of it? A. No, sir; I am sorry to say.

Q. When you spoke of taking your chances of being arrested—how many saloons are there in the city of New York? A. Over 6,000.

Q. Six thousand saloons? A. Yes, sir.

Q. Scattered all over the city? A. All over the city.

Q. And how many police officers are there on duty at any one time? A. That I don't know.

Q. Haven't you calculated what the chances are of an arrest? A. Yes.

Q. By considering the proportion of police officers on duty to the number of saloons? A. I have.

Q. There are about 1,500 men on duty at one time, are there not, throughout the city? A. Somewheres around there; I could not say exactly.

Q. So you got about one chance in four, a saloon would have, in getting arrested? A. Yes—one chance in 10—if we are careful.

Q. Your people take these chances, and get arrested, and get prosecuted for it, don't they? A. I do.

Q. Rather than shut up? A. Yes.

Q. Are you patronized by the inhabitants of this city? A. If we were not, we could not keep open.

Q. There is a very considerable demand for the wares that you have to sell, isn't there, on Sunday? A. Yes, sir; if there was no demand, there would be no supply.

Q. And so you take this chance, as you speak of, on account of the demand by thirsty persons for beer and liquor on Sunday? A. We do.

Q. Is it not a fact that in the city of New York there is a very large population of foreign born citizens numbering hundreds and hundreds of thousands? A. Yes, sir.

Q. Who require beer or ale on Sunday?

Mr. Sutherland.—Put it "enquire" and let it go; otherwise I object to it.

Q. Who use it, with whom it is a custom to drink; isn't that a fact? A. Yes, sir; it is not my choice; we do not keep open from choice.

Q. What is the German population in the city of New York, do you know? A. Well, I think about one-quarter of the population is German.

Q. That is, German or German descent? A. Yes, sir.

Q. So, if the city of New York has 2,000,000 of inhabitants, there are 500,000 people here of German or German descent? A. If not more.

Q. And with that great company of people is the Sunday Excise Law regarded as an invasion of their liberties?

Mr. Sutherland.—I object.

Chairman Lexow.—That is ruled out; I do not think that is proper, Mr. Nicoll. You may ask what they do, but with regard to his opinion it is immaterial.

Q. Do they complain of it as an invasion of their liberties?

Mr. Sutherland.—I object.

Chairman Lexow.—Excluded; do not answer the question.

Q. How large a population, other than those German, that is, foreign born, are there actually in New York? A. Well, I should judge that there would be two-fourths more of them, if not more than that.

Q. That is, out of a population of 2,000,000 of inhabitants, we have considerably over a million who are people of foreign birth or of foreign descent? A. More than three-quarters.

Q. And are those the people who patronize to a great extent the saloons on Sunday? A. They are in the majority of the population, and, therefore, they must be a majority of the patrons; but the Americans like their whisky on Sunday, as well as the German likes his beer.

Q. What did you mean when you said you were compelled to have this defensive organization by the oppression of the Republican party? A. I mean that by legislation, by Republican legislation.

Q. What legislation? A. The Republicans advocating high license, etc.; the Republicans started in to advocate high license as far back as 1882 or 1883, I do not remember exactly, and we were compelled to organize for mutual protection.

Q. And that is all; your organization sprang into existence? A. Sprang into existence on that account, and the repeal of what is known as the "free bed" clause.

Q. Now, as I understand it, your organization is founded upon the notion of mutual protection of its members? A. That is right.

Q. You contribute, I suppose, by your members, to a fund for mutual protection; you mean to say you pay annual dues? A. Yes.

Q. You hire lawyers, do you not, to represent you in the courts? A. Yes, sir.

Q. You pay counsel either in special cases or by general retainer, or something of that sort? A. Yes.

Q. And you appear before public men who are supposed to have influence for the purpose of representing your views, do you not? A. Yes, sir.

Q. Some of your members are Republicans, are they not? A. Yes, a large number.

Q. A large number are Republicans? A. A large number.

Q. Some of them belong to some independent factions, Democratic factions? A. I suppose they do.

Q. And some belong to Tammany Hall? A. And some belong to Tammany Hall.

By Mr. Sutherland:

Q. Of course then if the object of the association was to repeal the "free bed" clause, and prevent high license — A. It was repealed at this time in New York.

Q. Exactly; I was going to get at it; when those two objects were accomplished, the purpose of your organization ceased? A. Oh, no.

Q. Oh, you found there was something else to do? A. Oh, yes.

Q. When was the "free bed" clause repealed? A. I think it was either in 1882 or 1883.

Q. In 1882 or 1883; and in 1891 all branches of the State government passed under the control of the Democratic party, didn't they; the election of Governor Flower, and election of Democratic Senate, and Democratic Assembly? A. I guess they did.

Q. You had no fear of high license law then, did you? A. No.

Q. Then your association had not to keep up for fear of high license? A. No.

Q. There was some other purpose that kept your association going? A. Yes; to get an excise law passed.

Q. And that was what kept you busy going to court, was it? A. Yes, sir.

By Senator Bradley:

Q. As a public official and a man that is posted on this business, during the last election, during the whole campaign, did you know of any officers going into stores and demanding that liquor dealers take down certain bills out of their stores representing certain candidates; do you know of any officers doing that during the fall campaign? A. Nothing; so far as any member of my organization that ever occurred of that kind.

Q. It never came under your official notice? A. Never heard of it, or they would have heard from us.

By Chairman Lexow:

Q. Who would have heard from you? A. The police, or anybody else that would interfere with a man's liberty.

Q. And by that you mean you would have prosecuted them? A. We would; we certainly would have fought it.

Q. You have stated you had conversations with captains—police captains—and others, with reference to a fair treatment to the liquor dealers; what do you mean by the use of the expression, "fair treatment of the liquor dealers?" A. I claim

this, that the present Excise Law does not prohibit a man from keeping his place open, and when arrests are made because a man has his place open for the purpose of cleaning up, or he goes into his place, or he happens to live in the back of his place, that an officer would come in and arrest a man because he is on the premises, I say he is wrong, and it is not the law.

Q. In other words, according to your construction, the police had unfairly construed the law; is that it? A. I suppose that is the way to put it.

Q. And by using that construction of the law for the purpose of oppressing the members of your association? A. Oh, no; I don't think so; I think it is done more to—for records, that the liquor dealers are being arrested; the liquor dealer, as a rule, is the "marker" for everybody.

By Senator Bradley :

Q. You are a very intelligent man? A. Yes.

Q. You know what the meaning of mental reservation is, don't you? A. Well, yes.

E. N. Trillard, called as a witness, being duly sworn, testified as follows :

Direct examination by Mr. Sutherland:

Q. Where do you live? A. Two hundred and fifty-three Fourth avenue.

Q. And what is your business? A. Merchant tailor.

Q. Were you a Republican inspector of elections at the last election? A. Yes, sir.

Q. And at what voting place? A. The first election of the Twelfth Assembly.

Q. Whereabouts is that? A. Two hundred and thirty-eight Third avenue.

By Chairman Lexow:

Q. The Twelfth Assembly district? A. Yes.

By Mr. Sutherland:

Q. You know Mr. J. Augustus Johnson? A. Yes, sir, I met him there.

Q. Was he a Republican inspector there that day? A. Yes, sir.

Q. You were there all day as an inspector of election? A. Yes.

Q. Did Mr. Johnson make objections there to violations of law? A. He did.

Q. You may state what you saw and heard in that respect? A. He objected first off; we had a man come in there who was

under the influence of liquor when he was inside the polling place, and I asked the officer to remove him, and the officer did not remove him at all.

Q. Who was this officer? A. I think the number was 212, if I am not mistaken; I do not know his name; the other inspectors did not object, until finally the objection was so strong that the chairman of the board ordered him out also; but he did not take him out of the polling place at all, until he went of his own accord.

Q. The officer did not take him out? A. No, sir.

Q. Now, what was the next thing you saw that day? A. Mr. Johnson challenged three men when they came to vote as having been voted upon; and there were some other men who had voted on these people's names before they came; those were the challenges Mr. Johnson made.

Q. What occurred in regard to those challenges? A. Their votes were sworn in.

Q. What did you say or do? A. I accepted the votes.

Q. Where were the policemen at that time? A. In the polling place.

Q. Who were the other members of the board of inspectors? A. George McHugh and James Ennlis.

Q. Now, the objection to this was that other men had voted on those names? A. They had; our books showed that to be a fact.

Q. And were those men who came in and swore in those votes the bona fide owners of those names? A. So far as I know I am pretty sure they were.

Q. Had any objection been raised when other people came in to vote on those names? A. No, sir.

Q. What was the next irregularity you saw? A. Canvassing within the limits of the polling place.

Q. Tell us what there was about that? A. Mr. Johnson objected to it, but no attention was paid to it.

Q. No attention was paid by whom? A. By the Democratic workers in that district.

Q. Did he appeal to the officer? A. Yes, sir.

Q. Did you make any protest against it? A. I did.

Q. To whom did you protest? A. The policeman.

Q. Did the policemen object, either of them? A. No, sir.

Q. Did the policemen know you were one of the inspectors of election? A. Yes, sir.

Q. You sat along, three in a row? A. Yes, sir.

Q. Where did you sit; at the center or one of the ends? A. At one of the ends.

Q. To the right or left? A. To the left.

Q. Who was in the center? A. The other inspector, Ennlis.

Q. Was he the chairman of the board? A. No, sir; he was at the other end.

Q. Who was in the center? A. We were so fixed we were not in a row; we were in a triangular shape.

Q. Who was the chairman of the board? A. Mr. McHugh.

Q. Did the chairman of the board answer for the board, or did all three talk? A. Well, three of us talked.

Q. When you objected to the presence of these workers within the 150-foot limit, right within the polling place itself, who replied to your objection? A. Nobody especially and everybody in general, if I might put it that way.

Q. Did the two inspectors of election make a reply? A. After a while the chairman did.

Q. What did he say about it? A. He told him to go outside the door.

Q. Did they go? A. They did.

Q. Did they come back? A. They came back in the afternoon.

Q. And stayed there the rest of the afternoon? A. Yes, sir.

Q. Did the policemen put any of those men out? A. No, sir.

Q. Did you ask him to? A. No, sir; he said he would, and then talked with them and did not.

Q. Did Mr. Johnson finally appeal to you at any time? A. Yes, sir.

Q. With regard to the general conduct of things? A. Yes, sir.

Q. And what reply did you make to him? A. I told him I had gone so far as I could go, and could not go any further than I had gone.

Q. That was true, was it? A. Yes, sir.

No cross-examination.

Philip Loewenthal, called as a witness, being duly sworn, testified as follows:

Cross-examination by Mr. Sutherland:

Q. Where do you reside? A. Two hundred and thirty-four East Seventy-fifth street.

Q. Two hundred and four East Seventy-fifth street? A. Two hundred and thirty-four.

Q. What is your business? A. Clerk.

Q. You were at one time a member of the police force of the city of New York? A. Yes, sir.

Q. For how many years? A. Four or five years.

Q. And until what year? A. I will give you the date; I have it here in my pocket.

By Chairman Lexow:

Q. Can't you remember about the date, Mr. Loewenthal? A. I can give you both my appointment—

By Mr. Sutherland:

Q. No, just give your remembrance? A. I joined it on the 15th of February, 1858; I left with the Twelfth regiment of New York in full police uniform at the call of Lincoln for 75,000 men.

Q. That was in 1861? A. Exactly; on my return my appointment and pay commenced on the very day in the latter part of 1861, on my return to New York on the force again, until the day that Abraham Wakeman became postmaster of New York, when I resigned.

By Mr. Nicoll:

Q. Let us find out when Abraham Wakeman was postmaster of New York? A. That was in 1862.

By Mr. Sutherland:

Q. Answer my questions; you have been for a number of years inspector of elections in your district? A. Since the second election of Abraham Lincoln.

Q. Invariably? A. Invariably, except in one to three exceptions.

Q. In the fall of 1892, you acted as presiding officer of the board of inspectors of the district? A. I did.

Q. What election district is that? A. Fifth of the Twenty-second.

Q. Twenty-second Assembly district; did there come a time when the poll-box was closed? A. Sir?

Q. Did any occurrence happen which caused you to close the polls for a while? A. Yes, sir.

Q. Tell us what it was that happened.

The Chairman.—When?

Mr. Nicoll.—Eighteen hundred and sixty-two.

Mr. Sutherland.—No, 1892.

The Witness.—I was, against my will, chairman of the board; I being a Republican and the other two being Democrats I thought the chairmanship belonged to them; they insisted on account of the extra labor that the chairmanship imposes in carrying the election returns to the station-house, and the registration every night to the station-house, they did not want to do that, and I had to take it; I told them at once that if I am

chairman that I would like to run the thing fairly, and that I would try to stop anything that was illegal; one man disfranchised himself by illegal processes; we all united on it that that man was not entitled to vote by his action; the two Democrats were the ones that said so first; the man disappeared in an illegal way, carrying the ballots with him in spite of my trying to stop him; after he was outside, he took the ballots — there were 13 ballots at that time, if you recollect — and he took and made a ball of some of them, and he fired them at us when we demanded when he went out that he should leave the ballots at that place, and he fired seemingly a ball of ballots; and afterward he came back and shook the ballots at us and said, we have got them anyhow; we were unanimous that that man disqualified himself for voting; two hours after that a policeman brought this man back.

Q. Who was the policeman? A. Well, I don't know.

Q. Do you remember his number? A. I don't remember his number; I heard him addressed as Mr. Meenie; he brought him back, and said, to put his ballots there; "This man can not vote."

Q. Who said that? A. I said that; "Well, I am going to vote him anyhow."

Q. Who said that? A. Mr. Meenie.

Q. The policeman? A. Yes; I said, "Mr. Policeman, don't you know that you are here to preserve the law?" says he, "Well, I am going to vote this man;" I said, "Mr. Policeman, you are here to preserve the law; you are not running this thing; the board of inspectors are running this thing;" says he, "I will show you I am running this thing; this man is going to vote, or I will know the reason why;" "Do you want to know the reason why? you do know the reason why, and if you do want to know it again, he has disqualified himself, he has taken off, inside of 15 minutes, he has taken up three-quarters of an hour; he was in and out of the booth, being instructed each time what to do, fully seven or eight times, staying long enough in there, and he had disqualified himself by carrying off the ballots and destroying the ballots."

Q. Now, by the way, let me interrupt you just a moment; when this man went out with those ballots did you call up the officer to arrest him? A. I told him to arrest him; why, certainly.

Q. Was it the same officer that you told to arrest him that finally brought him back? A. I told the officer to arrest him, and they said, "Let him go;" and the man came back, and after the officer had said, "Let him go," and after awhile the man came back.

Q. Was it one of those same officers that brought him back

to vote? A. One of the same officers that was detained for the polling place; I had as much as I could do to prevent one of the inspectors doing something illegal himself, because I had to watch him pretty close; one of them — the two inspectors that were with me; one of them was very square, the squarest Democrat, in fact, I ever met in my life; the other one, by the name of Crosier, was a nonresident, a fellow who comes here nearly every year from Chicago for election purposes, as he told me himself.

Q. When this policeman said he was going to run that thing and vote the man anyhow, what did you do? A. I stood in the way; I told the ballot clerk, "No ballots for this man;" so the policeman struck me on the shoulder, and said, "This man will vote."

Q. The policeman struck you? A. Struck me.

Q. The same policeman that brought in this voter? A. Exactly; I placed my hand on the ballot-box, and I said, "I declare this election closed until this blue-coated officer is removed from this office; marshal, arrest this interrupter."

Q. What did Mr. Galen, the other member of the board, say? A. Mr. Galen was studying the law; Mr. Crosier called the officer over, and the officer handed the paper to Crosier.

Q. Handed what paper? A. The ballots.

Q. The tickets this man had? A. That the man had; he handed them over to Crosier, and Crosier turned to me and said, "See, Mr. Loewenthal, those tickets are all right; they have the whole 13 now;" I said, "That makes not the least difference; this man can not vote."

Q. What did Mr. Galen say after he studied the law? A. He kept his nose down pretty near the book, until finally I said, "Well, Mr. Galen?" Mr. Galen came over and said, "Now, Mr. Meenie," — that is where I heard the name — "Now, Mr. Meenie, this has gone far enough; you have got to apologize to Mr. Loewenthal, else I will decide with him that the election is stopped."

Q. Did he say anything about wearing a checked suit? A. Yes.

Q. What was it? A. Yes, he did say something.

Q. What was it he said? A. Well, he said: "\$36, and I am worth that much; that is already in my business, and for \$36 I am not going to wear a striped suit, even for the party."

Q. Did the policeman say anything to Galen about that? A. About what?

Q. About his conduct? A. Not Mr. Galen.

Q. Did the policeman make any reply to Galen? A. Well, he told him, "Well, if you say so:" Galen says, "Certainly I say so," so they let the man go off; and he wanted me to go on with

the election; I said no; this don't end it; I want you away from here; you are not to be here; I want the marshal; and I kept shouting for the marshal; and he says, "Now, don't make a fuss over that," he says, "I am trying to help my party just the same way as you try to help yours;" and he apologized, and they all came around me.

Q. And you all continued? A. The people wanted to vote, and I let them vote.

By Senator Bradley :

Q. You opened the polls again? A. Oh, yes.

Cross-examination by Mr. Nicoll :

Q. How long a time were the polls closed in consequence of this action of yours? A. Between 15 and 20 minutes; I wish to state here what I forgot to state, that I told Mr. Galen at the time, I said, "I can afford, as a Republican, to have this district thrown out, as it is more than 60 per cent. Democratic, to less than 40 per cent. Republican, for the sake of one illegal vote; if you can afford to break it up, I can afford it too."

Q. What district was it? A. Fifth, of the Twenty-second.

Q. Where was it? A. In Second avenue, between Seventy-fourth and Seventy-fifth streets.

Q. What was the name of the gentleman who took so much time in preparing his ballots? A. There was no gentleman there; it was a loafer.

Q. What was the name of the loafer that took so much time in preparing the ballots; I would not have been permitted to ask that question if you had not suggested it; has Mr. Sutherland got his name? A. The gentleman that subpoenaed me; I told him that if he pleased to get the book from the election bureau where it is kept, there are the minutes in it, because I compelled each and every one of the election officers to make notes of those things.

Q. Possibly you don't recollect it now? A. The name I do not recollect.

Q. Very well, let it go; do you recollect when the man in question applied to the ballot clerk for his ballot; did you see him then? A. In the first instance?

Q. Yes? A. Yes, sir.

Q. Were there a full set of ballots given him? A. Yes; the same as everybody else.

Q. And when he had received them, what did he do with them? A. He was shown into a box.

Q. Into a booth? A. Yes, sir.

Q. And he remained there preparing his ballots? A. He

came out very rapidly, very rapidly with the ballot in his hand, a big paster on top of it, and he handed me that and said, "That is what I vote."

Q. Was it the fact, when he came out his ballots were not prepared according to law? A. They were not prepared according to law; they were not folded properly; I then told him, "You have been shown how to fold this ballot; you have got to bring it right up to the perforated line, and then close it together, and then bring it in, and I will accept it; and you must bring the other ballots from there all folded in the same way."

Q. Did he come back again? A. He went back and came out.

Q. Had he them folded right? A. He had that folded right and the other ones folded right, except instead of each one separate, he had them all folded together—the 12 ballots folded together in one bunch, just as they ought to be single, and he handed me that; I then sent him back again, and I told him each ballot must be folded separately.

Q. Did he go back and fold them separately? A. He went in, and came out and brought me the one ballot out, and he told me, "Let somebody else fold them."

Q. Fold the others? A. Yes; "I am not getting paid for that; I am only getting paid for voting this way."

Q. Did he fold that himself? A. No; I sent him back then, and I told him I did not care what he got paid for, he had to go back and bring me the other ballots out, and he must fold each one separate; and each of the other inspectors also instructed him; and I want to call your attention to it, that we were not very particular about the time limit, either, because he had overstayed his time by that time already; he went in again and stayed in quite a while, and he came out and says, "You take this ballot and I will come back by and by and will fold the others."

Q. Didn't you say something prior to that time to him in a very irritable and angry tone, sir? A. No.

Q. Were you mild and polite and gentle? A. Just as polite as I am at present; I think I am very polite at present.

Q. Did he say anything then? A. Yes; I want to call your attention, that it would not do otherwise in that neighborhood if you wanted to have a whole head.

Q. Were you not, as a matter of fact, very naturally impatient with him? A. Oh, no; well, I found I could not work him, and I turned him over to Mr. Galen, and he worked at him until he got out of patience, and then Mr. Crozier got to work with him.

Q. And he got out of patience? A. No; he didn't get out of patience; I attended to half a dozen other voters that came out

of the other booths, and I told him, said I, "When that fellow is ready, just hand me the ballot."

Q. He had more difficulty than is usual in even the most ignorant voter folding his ballot? A. It was not ignorance in him.

Q. What was it? A. Pure cussedness.

Q. And was it on account of his pure cussedness that you threw him out entirely? A. No; we did not throw him out.

Q. He went out? A. When I was very busy he wanted to go out and see his friends to get them to fold it in the way I wanted; I told him he could not get out; I said, "You go back to your box and the others will show you, and everybody inside pretty near had a hand in showing him what to do."

Q. You told him, and the other Democratic inspectors and poll clerks and ballot clerks? A. The ballot clerk gave him the first instructions, and gave him a sample ballot; but some of the men in there—

Q. Watchers; were there watchers there or marshals? A. One of the marshals there gave me instructions; it was pure cussedness, as I said before; he did not want to do it, because it would be right; he would rather do the thing wrong than right; so when I was busy twice or three times he attempted to go outside with the ballot, and I stopped him; as I stood right by the—between the ballot—I will illustrate.

Q. Illustrate it, please? A. There is where I stood, and there is the little bar.

Q. A little bar? A. A little bar that had to be laid over.

Q. Into the booth, you mean? A. There was a little guard-rail like this (illustrating with his cane) that you could lift up; and whenever the booths were full we put that down; and just when we were busy he came and wanted to go out; I stopped him, but while I was putting in the ballot of one of the voters and handing the unvoted ballots to the other inspector, Mr. Crozier, Mr. Galen was standing looking up the law in regard to this man overdoing this time—

Q. I understood you that before? A. This was a different time.

Q. Did Galen spend all the time in studying the law? A. He was studying the law most assiduously.

Q. What was the man from Chicago doing? A. He was putting in the unvoted ballots.

Q. He was putting in the ballots, while Galen was looking up the law? A. Yes; he was looking up the law.

Q. Go on from that point? A. Suddenly this man made the rush to go out, and I said, "Policeman, stop this man," and the policeman did stop him; I said, "I want those ballots; don't let

this man out without the ballots;" and the man took the ballots and fired them.

Q. You have told the whole story, haven't you? A. I presume so.

Q. Is there anything left unsaid that a question of mine might suggest possible, anything that occurs to you now? A. Nothing at all; all I want to tell was the action of the policemen.

By Senator Bradley:

Q. Did you ask any policeman to arrest this man for an open violation of the law? A. No, sir.

Q. You did not? A. I told the policeman to bring the man back—because he had the—as soon as I ascertained that he had taken some of the ballots out, I told him to take this man back and we wanted the unvoted ballots.

Q. You didn't request any policeman or officers to arrest this man, although he was violating the law, and obstructing voters? A. No, sir; I did not ask the same; and I will tell you—

Q. That is all; you did not ask the policeman to arrest the policeman, when the policeman struck you? A. It was no use to ask the policeman to arrest voters, because he was constantly violating the law by handing pasters, by making themselves obnoxious, and electioneering in the place; I was in a peculiar position there, having a majority of the board against me, as was in every district, and trying to govern myself so that I would give no occasion to leave the place there without at least the protection which my presence gave in the Republican party; now, the policeman was a violator from the minute he struck there in the morning; and I certainly would not ask the policeman to arrest a man who violated it less than he did himself.

William P. Richard, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. One hundred and nineteen Eighth avenue.

Q. What is your business? A. Shoe dealer.

Q. Where is your place of business? A. In Eighth avenue, near One Hundred and Forty-ninth.

Q. And was that in the election district wherein Mr. Bahan was a candidate for Assembly last fall? A. Yes, sir.

Q. That is the Ninth Assembly district? A. Yes, sir.

Q. Was your name signed to the petition for his independent nomination? A. Yes, sir.

Q. Did anybody visit you on that subject afterward? A. Yes, sir; I was visited twice on that subject.

Q. What days?

Chairman Lexow.—Speak up, so we can hear you.

Q. Visited twice in regard to his nomination? A. I do not remember the day.

Q. How long after you signed the petition? A. About a week after.

Q. Who came to see you about it? A. A saloon keeper in Seventeenth street, and another party, and asked me to withdraw my signature from that.

Q. Asked you to take your name off? A. Yes, sir.

Q. How long was it after the first visit before the second party came? A. The next morning about half-past 7.

Q. Who was the second party? A. I don't know him.

Q. Anything happen that same day after the second visit? A. I told him I did not know anything about this candidate they had sprung on me a few days before; I did not want to sign off indorse, sign this indorsement.

Q. This second visitor came and asked you to take your name off Bahan's certificate? A. Yes, and signed McDermott's certificate.

Q. Where were your showcases at that time? A. On the sidewalk.

Q. Did anybody visit you in regard to them? A. Yes, sir.

Q. How long after the second visitor came there? A. About 10 minutes.

Q. Who visited you then? A. An officer.

Q. What did he say to you? A. He said to draw my showcases inside, it was against the law.

Q. To draw your showcases inside? A. Yes, sir.

By Senator Bradley:

Q. You say he asked you to sign McDermott's certificate? A. Yes.

Q. I thought McDermott got the regular Democratic nomination? A. Yes, but there was an indorsement by the business men, as I understood.

Q. It was merely a recommendation to vote for him? A. No.

Q. He was not the same as the other gentleman? A. No.

Q. He also asked you to withdraw from Bahan's certificate? A. Yes, sir.

By Mr. Nicoll:

Q. Who asked you to sign Bahan's certificate? A. Bahan himself.

Q. What did you say about it being sprung on you? A. This McDermott nomination; I didn't know anything about the gentleman.

Q. You were a friend of Mr. Bahan's, were you? A. I know Mr. Bahan; I am not a friend of his; I believe he is a gentleman; and an honest man.

Q. You were interested in his candidacy, were you? A. No, sir.

Q. I say you were interested in his candidacy? A. That far I was.

Q. Interested in having him a candidate for office? A. Yes, sir.

Proceedings of the seventh meeting of the committee, Friday, March, 30, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, George W. Robertson, Edmund O'Connor and Jacob A. Cantor.

Appearances as before.

John Lafond, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland.

Q. Where do you reside? A. Two hundred and fifty-one Spring street.

Q. And what is your business? A. Shoemaker.

Q. Always lived in New York? A. Yes, sir.

Q. Where do you vote? A. Where do I vote?

Q. Yes. A. One hundred and seventy-four Varick street.

Q. And what election district and what Assembly district? A. Seventh election district, Eighth Assembly district, at present.

Q. Did you vote there last year? A. Yes, sir.

Q. What time in the day? A. Well, I voted early, sir; about 8 o'clock in the morning.

Q. Did you see a policeman there? A. Yes, sir.

Q. What was his name? A. Theodore Snyder.

Q. Do you know his number? A. No, sir; Mr. Conklin took the number; I did not pay any attention.

Q. Did you have any official relation with that election? A. I hadn't much this last election; 1892 we had an altercation.

Q. What was your office in 1892? A. Captain of the district, challenger and watcher.

Q. And you had a challenger's certificate? A. Yes, sir.

Q. What officer was in attendance that year? A. The same officer.

Q. What time did you vote that morning? A. Well, I didn't get in to vote until it was 11 o'clock that day.

Q. What was the reason you didn't get in? A. About 7 o'clock in the morning, after talking to the Tammany Hall captain, this Snyder came to me; I was standing outside the rail; he said, "What are you doing here?" "I am a challenger," said I, and he said, "You have no reason for being in here; get out of here;" I said, "Here is the paper for my authority;" and he said, "Get out of here; that does not signify to-night;" I thought his object was to lock me up, and I got out.

Q. What time did you get back? A. When Mr. Conklin came; about 2 o'clock in the afternoon.

Q. Then what occurred? A. Well, he went in and told them to let me stay there, and told them they violated the law, and came back in the afternoon or at night and took his number, and said he would have something to say about it.

Q. And by his persuasion you were put back? A. Yes, sir.

Q. Did you see anything else of the conduct of the police on that day? A. Well, they just left the Tammany Hall man do as he pleased.

Q. Tell the committee what it was? A. I seen him at the last election; I seen him take men—a fireman particularly—that came up after he gave his name and took his tickets—took him by the collar and dragged him out.

Q. Who dragged him out? A. A fireman by the name of Lucas.

Q. Who was the man he dragged out? A. I can not tell; I forget his name.

Q. What did the policeman do or say? A. He let it pass; I made a protest against it, and the inspector of election threatened to have this Lucas locked up if he did it again.

Q. But did not interfere with taking him out that time? A. No, sir.

Q. What else did you see the policeman do there? A. Well, one of them stopped outside at the last election; one of them stopped outside, and took no interest in the—when I challenged a voter he was outside, and I called him in to arrest the voter; he swore his vote in, and when he was coming in Lucas came and got a man and went to punch him at the polling place door, and they never interfered.

Q. When you called the policeman to arrest this voter, this Lucas came up and caught the voter? A. No; a man that was standing outside that called the policeman inside.

Q. And he assaulted him? A. Yes, sir.

Q. What policeman was by at that time? A. Snyder, and another officer; I don't know his name.

Q. Neither of them interfered to protect this man? A. Neither.

Q. What else did you see the policeman doing? A. Well, sir, it is hard to tell what they didn't do.

Q. Tell the committee what they didn't do? A. They let them carry on—

Mr. Nicoll.—Don't you think you ought to confine it to some arrest?

Mr. Sutherland.—I am talking about the last election.

The Witness.—It was the last election of 1893 I am talking of that they committed these things; I could not see anything in 1892 because they put me out and would not let me in and attacked me when I went to vote.

By Mr. Nicoll:

Q. You got back at 2 o'clock in 1892? A. Yes; well, I could see nothing; the election was over there then when I got in.

By Mr. Sutherland:

Q. Now we will talk about 1893 again; tell us what you saw the police do or permit in their presence? A. I see them permit men go out with their ballots after they got them right across the street to the Tammany Hall captain.

Q. Did you object to that? A. Yes, sir.

Q. Did you speak to the police about it? A. No, sir; I spoke to the captain that he is not to let the men in again and they could not vote; nevertheless, they let them vote after taking their tickets outside.

Q. Did you see the police interfere with anybody, any voters? A. No, sir; the reason of their not interfering the last election, Mr. Conklin went around to—

Mr. Nicoll.—I object to that, Mr. Chairman.

Q. I am only asking what you saw yourself; did you see the policeman giving directions to the voters? A. No, sir; I did not see them interfering.

Q. Or about going into the booth? A. This officer, Mr. Chairman, told me Mr. Conklin had been around to the captain and cautioned him not to interfere with me in 1893.

Q. Did you see the policeman send voters back into the booth for a pencil or anything of that sort? A. No, sir; they did not interfere.

Q. They did not interfere at all? A. No, sir.

Q. They simply stood by and let the things go on? A. Stood by and let the things transpire.

Q. Did you see any other irregular transactions? A. I saw the ballot clerk throw over pasters into the booths.

Q. Where was the policeman? A. About as far as that corner.

Q. How far was you from the ballot clerk? A. As far as that gentleman there.

Q. The stenographer? A. Yes.

Q. Ten or 12 feet? A. About 10 feet off.

Q. And did the ballot clerk do that more than once? A. No; I only seen him once; I was out a good deal.

Q. At the time you saw that did you call the attention of the policeman to it? A. No, sir; I did not; I called the attention of the inspector of election—the chairman.

Q. What did he say? A. He said that was nothing.

Q. Did you call the attention of the inspector of elections in a loud enough tone of voice so the policeman could hear? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What do you say your business was? A. Shoemaker.

Q. How long have you lived at 251 Spring street? A. Eight years.

Q. And how long have you lived in the city of New York? A. Thirty-five or 36 years.

Q. You were not born here, were you? A. No, sir.

Q. Where were you born? A. I was born in the north of Ireland.

Q. Have you always been a Republican? A. Always, sir, since I—

Q. Since you first voted? A. Since I got my naturalization papers.

Q. Have you always been active in politics? A. Well, pretty much so.

Q. Pretty much so? A. Yes.

Q. You acted, I understand you to say, in 1892— A. Yes.

Q. As a watcher at the polls? A. Yes, sir.

Q. Before you undertook to act as watcher, did you familiarize yourself with the duties of the position? A. I have been so long by the polls that I was quite familiar with it.

Q. You recollect that some years ago we changed the laws relating to the elections in this city, and the method of voting, do you not? A. Yes, sir.

Q. Did you familiarize yourself with the new laws on the subject? A. Yes; I have read them.

Q. Did you read them? A. Yes, sir.

Q. Did you read them so far that you informed yourself as

to the duties of inspectors of elections? A. Well, yes, sir; I served as inspector.

Q. And you have also served as watcher, haven't you? A. Yes, sir.

Q. Well, you know that the election in any election district is entirely in charge of the inspectors of election, don't you? A. I know that, sir.

Q. That, under the statute, they are required to enforce the laws relating to elections? A. Yes, sir.

Q. That is so, is it not? A. Yes, sir.

Q. They are required to take note of violation of the law? A. Yes.

Chairman Lexow.—Are you making an expert of this witness, Mr. Nicoll? I think we have the election laws.

Mr. Nicoll.—Is there any objection to my asking the question?

Chairman Lexow.—Is it necessary to prove the law by this witness?

Mr. Nicoll.—This is a mere foundation, of course, for something that is coming afterward; it is not necessary to prove the law by this witness. Do you object to the last question?

Chairman Lexow.—We simply want to limit the extent of this examination as far as possible.

Mr. Nicoll.—If you object to such a casual cross-examination as this, why, if the committee says so, I will refrain.

Chairman Lexow.—It took about half an hour, I believe, to prove the law by another witness. I do not see why you should prove it by another witness.

Mr. Nicoll.—I do not believe I have taken half an hour for the cross-examination of any witness during the whole time.

Chairman Lexow.—My recollection is otherwise.

Mr. Nicoll.—We may perhaps save considerable time, Mr. Chairman, by clearing up what I think is a very confused notion in the minds of a number of people, as to the exact duty of the police officers at the polls at the time of election. Now, their rights and duties and relations to inspectors, to watchers and to electors have all been considered by the courts, interpreting the general statutes relating to the same. Your honor is probably familiar with those decisions. They do not justify, it seems to me, the interpretation which has been put upon the duties of the police, relating to making arrests without charges being made at the time of an election. The police are at the polls merely as the servants, we may say, of the inspectors of election, for the purpose of preserving order; their position is a very delicate one.

Chairman Lexow.—You mean to take the position, Mr. Nicoll, that a crime may be committed in the actual sight of the officer

so that the offender may aid or abet in the commission of the crime against the suffrage?

Mr. Nicoll.—Certainly not.

Chairman Lexow.—And that the officers can not be criticised?

Mr. Nicoll.—Certainly not. I was about to say that, of course where a felony is openly committed in the presence of the officer, it would be the officer's duty, without charge being made, to make an arrest. That I concede must be the law; but you will see that there is a border line of action between discovery of a felony, that is, discovery of satisfactory evidence of a felony, and the mere omission on the part of an officer or inaction on his part, which, if he acted, might be considered as an evasion of the right of the voter, and as an abridgment of the rights of the electors.

Chairman Lexow.—There is no doubt about that.

Mr. Nicoll.—And very much of the evidence which we have taken here consists of merely doubtful or suspicious circumstances which would hardly have justified a police officer selected for the purpose of keeping order at the polls, in making arrests unless some elector had charged the alleged violator of the law, or the inspector of elections had to do so.

Chairman Lexow.—It is not for me to anticipate the judgment of the committee on the facts that have been proven here; but it seems to me that very little of the testimony that has been taken here is open to that criticism on your part. On the contrary, the large bulk of it shows a violation of duty on the part of the police. Now, your position is made very clear. You want to prove the law. That witness is not competent to prove the law on that subject. The law is in the statute books, and, therefore, we would rather have you continue some other branch of the inquiry.

Mr. Sutherland.—And before the committee continues that I protest against the inference he puts upon the evidence already produced. This witness testified the ballot clerk threw pasters over into the booth to the voter. It can not be possible that any man reading that testimony would say that it was not the duty of the policeman immediately to arrest that ballot clerk without an order or command from any living man except the order and command that is on the statutes of the State of New York.

Mr. Nicoll.—I think it is. I think it was the duty of the inspector to direct the arrest of the ballot clerk.

Chairman Lexow.—Where lawyers disagree upon a subject of this kind certainly a layman should not be called as an expert witness on that subject; and hence the testimony on the point by a witness now under examination is absolutely inadmissible.

Mr. Nicoll.—I agree with the chairman in that regard now that I have been permitted to define my position. I did not care to address the committee for the purpose of making a speech on that proposition. I thought it proper to bring it out on the examination of the witness, but as that has been cleared up I will take up another branch of the examination.

Q. I understand you to say in 1893 there was no interference on the part of the police with any elector? A. None with me.

Q. With anybody? A. Well, one of them stood behind and took part anyhow; and the other one was outside the door most of the time electioneering.

Q. There were two policemen at the polls? A. Yes, sir; in 1893.

Q. And two policemen there in 1892? A. No, sir; only one in 1892, when I was put out.

Q. Was there not one inside and one outside? A. No, sir; he was inside; and came to me without any annoyance, and without any trouble being in the booth or anything else, and said, "What are you doing here;" I said, "I am a watcher and challenger;" he said, "Get out of here;" I offered him my papers, and he said, "That don't make any difference," and I did not say anything; that took place in the place until 2 o'clock, when Mr. Conklin let me in.

Q. Of course you were not there? A. No, sir.

Q. Did you have any altercation with this police officer, Mr. Snyder? A. No, sir; two years before he was a great friend of mine and was a Republican; and when I was supervisor he thought I was a first-class man, but in 1892 I was a very different man.

Q. That was in 1892, when you were supervisor of the polls? A. Yes, sir.

Q. He apparently changed his political sympathies in 1892? A. Yes, sir; and a good many more.

Q. Sir? A. A good many more changes too.

Mr. Sutherland.—A good many others have, he says, the reason for which is quite obvious.

Q. All your experience in 1892 was confirmed to this ejection by Mr. Snyder, wasn't it? A. Yes, sir; I could not say what happened—I could see in talking to voters outside before they went into the poll, but I could not tell by being outside; Mr. Nicoll, when I was first put out there were 15 votes polled, and when I again went in there were 125.

Q. That was in 1892? A. Yes, sir.

Q. Now in 1893 Mr. Conklin was at the polls all day? A. No; I did not say so.

Q. Was he there part of the time? A. Not in 1893; in 1892, he was twice there.

Q. In 1893 was he there? A. No, sir; they told me he had called on Captain McCullough, and I believe he called on you as district attorney.

Q. In 1893? A. No; in 1892.

Q. Did you make any complaint to the captain of the precinct about the attack of Snyder ejecting you? A. I was assaulted in coming out; I had on a small badge and when I was passing the eighth election district three or four rowdies stood there with one of the officers, and one of them grabbed the badge and stamped it under foot, and I said to the policeman, "Do you see how he insulted me?" he said, "That isn't any insult."

Q. Did you make any complaint to the captain? A. No, sir.

Q. Did you make any complaint to the superintendent of police? A. No, sir; I did not.

Q. Or the commissioner of police, of this conduct? A. I did not.

Q. Now, in 1893, did you make any complaint with regard to the conduct of this officer to the captain? A. No, sir; I made it to the chairman of the board of inspectors, that is all.

Q. Did you make it to his superior officer? A. No, sir.

Q. Did you make it to the inspector of that district? A. No, sir; I did not.

Q. Or to the superintendent of police? A. No, sir.

Q. Or to the commissioners of police? A. No, sir; I reported to Mr. Conklin; I thought he was the proper party to report it.

Q. You did not write a letter to any one of those officials complaining of the conduct of these officers? A. No, sir; I reported to Mr. Conklin, and left it in his hands.

Q. If there was any neglect to complain of the misconduct of the officers it was not yours, but Mr. Conklin's? A. Why, of course; I say I told him, and thought he would look after it.

Q. Did you ask him to make the complaint? A. No, sir; I simply told him about it, and left it to his own judgment and thought he would know more about it than I did.

Q. Didn't you request him to make complaint to the superior officer of this officer? A. I left it to Mr. Conklin as I thought he would know what proceedings to take.

Thomas E. Flannery, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Thirty Perry street.

Q. What is your business? A. Liquor business.

Q. Where is your place of business? A. Three hundred and eighty-five Bleecker street.

Q. Where was your place of business in July, 1893? A. Six hundred and thirteen and 615 Third avenue.

Q. Was there an indictment found against you for some violation of the Excise Law at that time? A. Yes, sir; there was.

Q. During the summer of 1893 were you somewhat interested in the canvass of Walter W. Bahan? A. Yes, sir.

Q. Did you live in his Assembly district? A. I did.

Q. Were you requested by various people to withdraw from his support? A. I was.

Q. In supporting him; anybody come to you in October on that subject? A. Yes, sir; there was.

Q. Do you know a man of the name of George Laughlin? A. Yes, sir.

Q. What is his business? A. I believe he takes some parts in the police department.

Q. Is he one of the clerks there? A. I think he has something to do with the clothing departments there.

Q. Is he the supply clerk? A. The supply clerk.

Q. Did he ask you to leave Bahan's organization? A. He did.

Q. What did you say to him? A. I told him I would not do it.

Q. Do you know Alderman McKeon? A. Yes, sir; very well.

Q. Is he an active member of Tammany Hall? A. Yes, sir.

Q. In what district? A. Ninth Assembly district, the same district.

Q. Did he ever talk to you about it? A. Yes, sir.

Q. What did he tell you? A. He told me a man had been nominated in the Ninth Assembly district by Tammany Hall, and I should be compelled to take my coat off and work for him.

Q. What did you tell him? A. I told him I would not.

Q. Told him you would go on and work for Bahan? A. I did; yes, sir.

Q. When was this conversation with Alderman McKeon? A. I should think it was along about the early part of October.

Q. About the same time as your conversation with Laughlin? A. Yes, sir; somewhere along that.

Q. Were you notified about that time that your indictment would be moved for trial? A. Yes, sir; shortly after that.

Q. What did you do about it? A. I went down to plead to the indictment.

Q. You went down prepared to try it? A. Yes, sir.

Q. Where did you go to to attend the trial? A. Down to the General Sessions room.

Q. What building is that? A. Right around here in Chambers street.

Q. Did you meet any Tammany Hall people there. A. I did; several of them.

Q. Did they talk with you about your case? A. My brother and the president of the Liquor Dealers' Association did, and also Assemblyman Walker.

Q. What advice did they give you on that subject?

Chairman Lexow.—You mean Mr. Tekulskey?

The Witness.—No, sir; I did not know him; the president of the local association—the branch.

Q. What is his name? A. James Holmes.

Q. What did they advise you to do? A. To let it alone and they would fix it for me.

Q. What about your political action; what advice did they give you on that subject? A. They did not give me any advice, because I would not take it.

Q. Was your case finally tried? A. Yes, sir.

Q. What became of it? A. I was discharged; it was dismissed rather.

Q. You were discharged? A. Yes, sir.

Q. Were you a member of the Jefferson Club in October, 1893? A. Jeffersonian.

Q. Or Jeffersonian Association? A. Yes, sir.

Q. Where was that association located? A. Fifteen Abingdon square.

Q. Was that an organization in the interests of Tammany Hall? A. It was last year; yes, sir.

Q. Did that meeting take any action with regard to Bahan's canvass, or did that club? A. Yes, sir; they did.

Q. In October? A. In the first meeting in October.

Q. What was that action? A. They indorsed the nomination, Senator Cantor.—What has this to do with the police?

Mr. Sutherland.—I will show you in a moment, just a moment.

Q. Was there a meeting of the club in the latter part of the month? A. Yes, sir.

Q. In which the indorsement of Bahan's canvass was a matter of discussion? A. Yes, sir.

Q. What was the action in the latter part of October? A. They had it reconsidered.

Q. Were there any police officers present at the last meeting? A. Twelve or 15.

Q. Did they vote on the subject? A. Yes, sir.

Q. How did they vote? A. They all voted in favor of the reconsideration.

Q. After it was reconsidered did they rescind the motion? A. Yes, sir.

Q. Expunged it from their minutes? A. Yes, sir.

Q. Who was in the chair at that meeting? A. The president and the vice-president.

Chairman Lexow.—Both in the chair?

The Witness.—No; they took turns at it; they rotated.

Q. What was their names? A. The president's name was George Roberts.

Q. Who was the vice-president? A. Frank McCarty.

Q. Is he police sergeant? A. Yes, sir.

Cross-examination by Mr. Nicoll :

Q. There were a great many other excise cases tried, or put on the calendar, at the same time yours was? A. I don't know.

Q. Don't you know every morning there was 15 or 20 or 30 excise cases put on the calendar? A. I don't know.

Q. Your case was transferred to the Special Sessions? A. Yes, sir.

Q. Like a great many hundreds of other excise cases? A. I don't know.

Q. At the Special Sessions, you had your trial like everybody else, and was discharged? A. Yes, sir.

Q. Did the police officer testify against you? A. Yes, sir.

Q. Did you take the witness stand? A. No, sir.

Q. Did you call evidence? A. What is that?

Q. Did you call evidence? A. No, sir.

Q. Did the court find the case insufficient without your testimony? A. Yes, sir.

By Mr. Sutherland:

Q. That is to say, at the conclusion of the people's case you were discharged by the court? A. Yes, sir.

By Chairman Lexow:

Q. When was this? A. This was after election; I was discharged.

Q. When were you notified that your case would be called for trial? A. The middle of October.

Q. The end of October? A. Along the middle of October.

Q. How long prior to election day can you remember? A. Well, I was on twice before election; once I had to come and plead to the indictment, and then come up for trial.

Q. And both of these occurrences just preceding election? A. Just preceding election.

Q. Do you know whether or not an unusual number of excise cases were put upon the calendar and the defendants forced to plead at that time? A. I did not hear any; I know there were lots ahead of mine that ought to have been tried before?

Q. That should have been tried? A. That should have been tried before mine.

Mr. Nicoll.—Does the committee want me to testify on the subject? I can produce the records of the court.

Chairman Lexow.—I am through.

Mr. Nicoll.—I do not think that the committee should make a personal attack on me. It is entirely beyond the limits of the resolution. I am ready to have my office investigated any time the committee have power from the Legislature to do it.

Chairman Lexow.—No attack was intended on you.

By Senator Bradley:

Q. You say there were 10 or 12 policemen at the meeting of the Jeffersonian Club? A. Yes, sir.

Q. Were any of the policemen or officers in uniform? A. Yes, sir; one or two wore the uniform.

Q. Have their clubs with them? A. I did not see any club.

Q. Have the star on? A. Have the shield on.

By Mr. Sutherland:

Q. Who was it he said wore the shield? A. I don't know the policeman's name.

John J. O'Brien, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside. A. Seven hundred Washington street.

Q. What is your business? A. Liquor business.

Q. Where is it? A. Seven hundred Washington street.

Q. The same place? A. Yes.

Q. Southwest corner of Perry and Washington? A. Yes, sir.

Q. Do you know Captain Delaney of the ninth precinct?
A. Yes, sir.

Q. Of the Ninth Assembly district? A. Yes, sir.

Q. Who is his ward officer? A. Brennan and Quinlan.

Q. Which one came to you just prior to election day?

A. Prior to election day?

Q. Yes? A. None.

Q. One of these men came to you in regard to your vote?

A. On election morning.

Q. Which one of them was it? A. Mr. Brennan.

Q. What happened; what did he bring; what did he say?

A. He brought a ticket for me to vote and it was marked.

Q. What did he say about it? A. He told me that was the ticket I was to vote.

Q. Told you that was the ticket you was to vote? A. Yes, sir.

Q. How was it marked? A. There was one candidate running for justice—William Wall—there was one William Wall running for judge; there was only one name on the ticket, and his name was scratched, and John Doe was marked on that ticket.

Q. And that was a paster ballot? A. Yes, sir.

Q. And he told you that was the ticket for you to vote? A. Yes, sir.

Q. Did you tell him you would vote it? A. I did not say anything; I used my own judgment.

Q. Did he say anything else about your voting that ticket? A. No, sir.

Q. Was any one else there when he came in? A. Yes, sir; the captain of the district was there.

Q. The Democratic captain? A. Yes, sir.

Q. What was his name? A. Richard Flynn; he was at one end of the bar and I was at the other.

Q. Captain Flynn was at one end and you and the other man were at the other end? A. Yes, sir.

Q. Did he speak in a loud tone of voice? A. No; in a low tone.

Q. What time of the day was it? A. It was early in the morning; I couldn't exactly tell.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Liquor business.

Q. Do you own a saloon? A. Yes, sir.

Q. Where is your saloon? A. Seven hundred Washington street.

Q. Have you a license? A. Yes, sir.

Q. When did you procure it? A. The last license?

Q. Yes. A. February 20th.

Q. February 20th? A. Yes, sir.

Q. Of this year? A. Yes, sir.

Q. What are your politics? A. Well, Tammany Hall.

Q. You are a Tammany Hall man? A. Yes, sir.

Q. Are you a member of the organization in your district? A. Yes, sir.

Q. How long have you been a member of Tammany Hall? A. For years.

By Senator Bradley:

Q. How many years? A. Probably about nine years; eight or nine years, I would not be positive.

By Mr. Nicoll:

Q. Have you been a candidate for any office? A. No, sir.

Q. During all that period of time you have been in the saloon business? A. No; I have not been for myself; I have been attending bar before that.

Q. How long since you have been in for yourself? A. About four years.

Q. For whom were you attending bar prior to that time? A. Washington and Christopher streets; Patrick Shields.

Q. How long have you lived in the city of New York? A. All my life, from a boy; I was born here.

Q. What other occupation besides that of bartender have you had? A. I have been in the dry goods business.

Q. You were in the dry goods business? A. Yes, sir.

Q. Where? A. In Spring street; I disremember the number; somewheres near Washington street.

Q. What was the name of the concern? A. Thomas Courtney.

Q. What year was that that you were in that business? A. It is probably 14 years, I guess.

Q. Fourteen years ago? A. Probably that.

Q. Did you go out of the dry goods business into the liquor business as bartender? A. Yes, sir.

Q. Were you discharged from Courtney's? A. Yes, sir.

Q. Did you leave of your own accord? A. I disremember that; I really disremember what I left there for.

Q. Did you leave of your own accord? A. No, sir.

Q. Why did you leave? A. I guess it was dullness or something; I disremember; I couldn't say; I got a recommend from them.

Q. Were you discharged? A. No, sir.

Q. You got a recommend from them? A. Yes, sir.

Q. Where is that? A. Have got it home; I think I have; I think I have got it home; yes, sir.

Q. Did you go immediately from there into the liquor business? A. No, not right away.

Q. What did you then? A. I didn't do anything; yes, I went into the hotel business.

Q. When you say you went into the hotel business, what do you mean; what specialty? A. Hall boy.

Q. What hotel? A. Everett House, in New York.

Q. How long were you there? A. Probably a year or more.

Q. And from there? A. That is my nearest recollection on the subject.

Q. From there where did you go? A. To the Westminster, I think.

Q. As a hall boy? A. Yes, sir.

Q. How long were you there? A. About a year.

Q. And from there where did you go? A. I went to attend bar for William Burns.

Q. As a barkeeper for William Burns? A. In Washington street between Christopher and Barrow streets.

Q. How long did you attend bar for him? A. Six years.

Q. And after that for whom did you attend bar. A. For Jacob Foley.

Q. Where is his place? A. Three hundred and ninety West street.

Q. Were you ever indicted for violation of the Excise Law?

Mr. Sutherland.—I object.

Chairman Lexow.—Excluded.

Q. Were you ever arrested for violation of the Excise Law?

Mr. Sutherland.—I object.

Chairman Lexow.—Excluded.

Q. Were you ever convicted for violation of the Excise Law?

A. No, sir.

Q. Were you ever tried for violation of the Excise Law?

Mr. Sutherland.—Objected to.

Chairman Lexow.—Excluded.

Mr. Sutherland.—You know those questions are not proper.

Mr. Nicoll.—I should think, in view of Mr. Tekulskey's evidence, when he said there was this friction between the excise men or the liquor dealers in New York and the policemen, the police putting an interpretation upon the law which the liquor dealers resisted, and that there were constant arrests being made which they deemed oppressive, we might at least ask a gentleman who had been in that business, who comes and testifies against a police officer, whether or not he hadn't an animus, as the result of which he deemed it to be an oppressive arrest. If the strict rules of evidence which the committee now observes are ever to be relaxed in the interest of truth, it seems to me this would be a fair opportunity for relaxing them. However--

Q. How long did you remain bartender, do you say, for Mr. Poole? A. Mr. Burns.

Q. Mr. Burns; six years? A. Yes, about six years, between five and six.

Q. And did you after that go into business on your own account? A. No; I attended bar for Mr. Foley.

Q. How long were you with Foley? A. I guess a couple of years.

Senator Cantor.—Isn't it fair to ask this witness—I think it is a legitimate cross-examination—to ask him whether he had been persecuted by the police?

Mr. Nicoll.—Whether he deems he has been persecuted by the police; whether they have gone outside of their bounden duty?

Chairman Lexow.—The committee at the last session took this ground: No man likes on the stand to admit he was arrested, even although that arrest was not followed by a conviction. Now, we have to protect our witnesses or place ourselves in a position where very few will come and volunteer their testimony on an investigation of this kind. The question of arrest might have the effect of showing some bias, but it is better here, I think, and a majority of the committee so thought at the last session, to rule these questions out rather than to permit witnesses to be intimidated by them.

Mr. Nicoll.—Does not the majority of the committee think that the rule ought to be modified to suit the special instance; for instance, if the committee think—

Chairman Lexow.—Ask him if he has any feeling; of course, you can ask him that.

Mr. Nicoll.—He will say no, of course. If, for instance, in a given case the committee think that the exercise of that rule is necessary for the protection of a witness, would it not then be a very proper occasion for the committee to prevent and restrain that line of examination; but if, on the other hand, the committee think, in another case, that it is fair to show the attitude of the witness, that no great moral obliquity, in his opinion, attaches to him on that account, why, then, might not the rule be relaxed? With regard to the violations of the Excise Law, we may judge from the testimony of the president of the association, they do not regard an arrest as a matter of very great reproach. It is not like an arrest for some other offense against the laws. They do not seem to look at it in that way; and under those circumstances, perhaps proving the attitude of this witness toward the force generally, toward the member of the force, perhaps, against whom he is testifying, might not it be a proper action?

Mr. Sutherland.—Which member of the force is not in the habit of making arrests?

Mr. Nicoll.—I do not know anything about it.

Mr. Sutherland.—It is the wardmen, not one of the roundsmen or patrolmen.

Chairman Lexow.—The rule laid down was, you could prove any specific act of arrest against any officer who was charged with any violation of duty by the witness under examination; but if you go further and undertake to sift this witness' experience, he may have been arrested a dozen times. No man likes to go on the stand and swear to that effect; and if we admit it, that evidence would have the effect of inducing others to withhold their testimony.

Senator Cantor.—On the contrary, the witnesses can testify as they please.

Chairman Lexow.—The majority of the committee seem determined to hold that rule. You can show any testimony by this witness tending to inculpate the policeman who is attacked by him in his testimony. If this specific policeman arrested him at any previous time, you can show that on the question of bias.

Q. I was asking you something about your employment, under Mr. Foley, I think? A. Yes, sir.

Q. Did that precede your going in business on your own account? A. Yes, sir.

Q. Did you go into business on your own account immediately after you left Mr. Foley? A. A short while after.

Q. Had you a partner? A. No, sir.

Q. Did you own the saloon in which you worked? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. That was in the ninth election district, was it? A. Yes, sir.

Q. Ninth Assembly district, I mean. A. Yes, sir.

Q. You voted in what election district? A. Thirtieth.

Q. And the controversy or the question was in relation to a civil justice, was it? A. How do you mean?

Q. Was it a vote he wanted you to cast for a civil justice? A. No; it was for an Assemblyman.

Q. That was the district in which Mr. McDermott was? A. Yes, sir; and Mr. Bahan was candidate.

Q. Mr. McDermott was the Tammany Hall candidate? A. Yes, sir.

Q. And Mr. Bahan was the independent candidate? A. Yes, sir.

Q. And you were a sympathizer of Bahan's? A. Yes, sir.

Q. And against McDermott? A. Yes, sir.

Q. Had you been—were you one of the general committee in the district? A. Yes, sir.

Q. And had you been anxious for Mr. Bahan's nomination? A. Yes, sir.

Q. And when Mr. Bahan was not nominated but Mr. McDermott was, you supported his independent candidacy? **A.** Yes, sir.

Q. Is that it? **A.** Yes, sir.

Q. The detective, you say, was a supporter of Mr. McDermott, was he not? **A.** Yes, sir.

Q. He asked you to vote for him? **A.** Yes, sir; and handed me a ticket.

Q. And handed you a ticket? **A.** Yes; and told me—I did not give any satisfaction; I didn't tell him how I would vote; I thought it was my own business; to use my own judgment.

Q. You hadn't any objections to anybody asking you to vote for a friend, did you? **A.** No, sir.

Q. You do that yourself? **A.** Yes, sir.

Senator O'Connor.—There is testimony that the policeman gave him a marked ticket which is a direct violation of law.

Chairman Lexow.—It had a specific mark on it.

Senator Cantor.—A paster with a mark on it is a violation of law?

Senator O'Connor.—Certainly it is. A public officer is an agent and abetting a citizen to commit a crime.

Senator Cantor.—You asked people to vote for you?

Senator O'Connor.—Yes, but not an identified ballot.

Q. What hour in the morning was it the officer arrived? **A.** I would not say; it was early in the morning.

Q. It was early in the morning? **A.** Yes, sir.

Q. Who was in the store with you besides yourself? **A.** There was quite a crowd.

Q. There were a number of men? **A.** Yes, sir.

Q. Mention me the names of two or three? **A.** Well, the Tammany Hall captain was there, Richard Flynn.

Q. Richard Flynn? **A.** Yes.

Q. Who else was there? **A.** I could not really say; there was quite a crowd; I did not notice; I was pretty busy; it was election morning.

Q. Can't you tell anybody that was there except Flynn, of all the people that were in there? **A.** There were probably about 10.

Q. I understood you to say that there was that number there; but I asked you to give the names; I want to get some of them as witnesses; tell them now—some of them? **A.** I did not really take notice.

Q. Can't you tell the name of any one man that was there besides Flynn? **A.** Flynn and Brennan.

Q. That was Officer Brennan? **A.** Yes, sir.

Q. But about the other, then; can't you tell one or two? A. Who were there at the time?

Senator Bradley.—He says he can not remember any others.

The Witness.—I can not remember any others; I might make a mistake, and I don't want to make a mistake; I want to tell the truth; I do not want to make a mistake.

Q. When Brennan came in where did he—did he come right up to you? A. Yes.

Q. In the presence of these other people? A. Yes, sir.

Q. And handed you the ballot? A. Handed me the ballot.

Q. There were a number of people all around, weren't there? A. They were at the other end of the bar.

Q. They were at one end of the bar? A. Yes, sir; and he was at the other end of the bar.

Q. Where were you? A. At the end of the bar with him, talking with him.

Q. Did he ask you to vote for McDermott? A. No; he told me that was the ticket I should vote.

Q. He told you to vote that ticket? A. Yes, sir.

Senator O'Connor.—No; that was the ticket he should vote. That is the way the witness testified.

Q. He told you that was the ticket you should vote? A. Yes sir.

Q. What did you say? A. I didn't say nuthin'; I took the ticket and put it away.

Q. Did you vote it? A. No, sir.

Q. Have you got the ticket? A. I don't know; I might have.

Q. Please produce it; don't you know whether you destroyed it or not? A. I don't know whether I did or not.

Q. Didn't you keep it? A. I think I did.

Q. When did you last see it? A. About a week ago, I guess.

Q. A week ago? A. Yes, sir.

Q. Where was it then? A. In the safe.

Q. In a safe? A. Yes, sir.

Q. You kept it in your safe? A. Yes, sir.

Q. Where is it now? A. It may be in there now; I don't know.

Q. Have you taken it out since then? A. I couldn't really say.

Q. You must recollect what you did with it a week ago; don't you?

Chairman Lextow.—He says he has not seen it for a week.

Q. I mean to say, you have not forgotten what you did with the ballot within a week? A. I don't know what I did with it; if I have it, I will bring it.

Mr. Sutherland.—He said he saw it a week ago, and I object.

Mr. Nicoll.—This is a fair cross-examination. The witness is not disturbed.

Q. When did you tell this story to Mr. Sutherland? A. Which?

Q. This story you have been telling here? A. I did not tell him; I did not know anybody knew it; that is what surprised me.

Q. Didn't you see him examine you from a piece of typewritten paper? A. Yes, sir; and that is what surprised me.

Mr. Sutherland.—He did not know where I got it from, and you do not.

Q. When did you tell it? A. I did not tell it to him; I suppose I might have had a jag on some night and told it, and it has come out.

Q. This was a story you told when you had a jag on? A. I suppose so, and I showed it to somebody and let it get out; I naturally felt sore.

Q. When did you have your last jag?

Chairman Lexow.—I think that is going far enough.

Mr. Nicoll.—May I not find out when he promulgated this story and under what circumstances he promulgated it?

Chairman Lexow.—I presume the result of your cross-examination is to satisfy the committee that this witness is not to be believed. Now, this line of examination is not going to have any effect upon this committee in my judgment.

Mr. Nicoll.—I do not know what will have any effect on this committee.

Chairman Lexow.—Testimony about jags and ridiculous matters is not going to affect the committee.

Mr. Nicoll.—I can not tell what consideration is to move the committee but if I am to cross-examine at all, I should be allowed some fair limits.

Chairman Lexow.—I think a fair limit has been given, but the use of this line of examination can have no other tendency than to make the examination ridiculous, and the committee are not prepared to have it turned into that channel.

Mr. Nicoll.—There is no reason for conducting this proceeding exactly as a funeral. There is no reason, in other words, why we should not have the usual methods of examination in courts. No judge would exclude a proper line of examination. I do not want to—

Senator O'Connor.—What do we care about his having jags. He said at some time he was tight and gave this information to somebody.

Mr. Nicoll.—I want to find out—

Senator O'Connor.—It might be very difficult for him to have a remembrance when his last jag was.

Mr. Nicoll.—I would like to go into jags far enough to find out whether this was an unusual circumstance or his periodical jag or weekly jag.

Mr. Sutherland.—I suggest that Mr. Nicoll be put on the stand as an expert on that subject.

Mr. Nicoll.—I am not an expert on that subject.

Q. You don't recollect when you spread this thing abroad, do you? A. Some time ago; it was probably right after election some time.

Q. You think it was some time after election? A. Yes, sir.

Q. When you were celebrating? A. Yes, sir.

Q. You were not celebrating for Bahan? A. No, sir.

Q. Were you celebrating for Mr. McDermott? A. I refuse to answer.

Q. You think when you were celebrating it, you gave this out? A. Yes, sir.

Q. And it floated on so it reached Mr. Sutherland? A. Yes, sir, I have a pretty good idea who told him.

Q. Who told him?

Mr. Sutherland.—I object.

Chairman Lexow.—That is excluded.

Q. Do you know who told him? A. Not positive.

Q. Had you heard who told him?

Mr. Sutherland.—Objected to.

Senator Cantor.—You are not ashamed to have the source of information communicated to the committee?

Chairman Lexow.—I think it is irrelevant; and Mr. Nicoll knows it is an irrelevant question.

By Senator Bradley:

Q. When the detective came in and gave you the marked paster did he make any threat to you? A. No, sir.

Q. Only asked you as a favor that you should vote that paster? A. No, he said that was the ticket he expected me to vote.

Q. He did not make any further threats? A. No, sir.

Q. Nothing to try to intimidate you? A. No, sir.

James A. Hooper, called as a witness, being duly sworn, testified as follows:

Direct-examination by Mr. Sutherland:

Q. Where do you live? A. No. 165 West Tenth street.

Q. West Tenth street? What Assembly district is that? A. Ninth Assembly.

Chairman Lexow.—Just ask him what his business is.

Q. What is your business? A. Butcher.

Q. Where is your place of business? A. Jefferson market.

Q. Are you a member of Tammany Hall? A. I was, up to—

Q. Up to when? A. Up to last election.

Q. Up to last election? A. Yes, sir.

Q. Were you through the last election, during the last election, a member of Tammany Hall? A. I was a member up to election night.

Q. Were you a district captain on election day? A. No, sir; I was turned down the night before.

Q. Were you a district captain up to that time? A. Yes.

Q. In what election district? A. Twenty-sixth election.

Q. Of the Ninth Assembly? A. Of the Ninth Assembly.

Q. Who was the leader of the Assembly district—the Tammany leader? A. James Boyle.

Q. Was there a meeting of the district captains on Sunday before the election? A. Yes, sir.

Q. Where? A. Tammany Hall headquarters in Hudson street, corner of Bank.

Q. Were you there? A. Yes, sir.

Q. Were the other district captains of that Assembly district there? A. I believe they were.

Q. Mr. Boyle there? A. Yes, sir.

Q. Did he give you some instructions? A. Yes, sir, but I have no recollection.

Q. Can you remember any of them? A. I can not, to tell the truth.

Q. Was there anything said about how you should choose the policeman that attended your polling place? A. Yes, sir; there was something said, but I have no recollection of what it was.

Q. Did Mr. Boyle say it? A. Yes, sir.

Q. Did he say that each district captain would choose such a policeman as he wanted for his own election district? A. If I were right I think it was something to that effect, speaking of it.

Q. Did he say that you would have two inspectors, and a poll clerk and a public officer? A. I don't recollect that.

Q. Or anything in substance like that? A. I have no recollection, sir.

Q. And then did he say that if you don't win your district it is your own fault? A. I would not say.

Q. Do you mean to say you do not remember, or what? A. I don't remember.

Q. Will you say he did not say that? A. I would not say he did not say it.

Q. Will you swear that he did not say that you would have the two inspectors and poll clerk and police with you? A. I would not say it, because I know, as far as the inspectors and poll clerks are concerned, they were all appointed by Tammany Hall.

Q. I am talking about the instructions that Mr. Boyle gave to the district captains? A. I haven't any recollection of it.

Q. Will you swear he did not state it to the district captains? A. No, sir; I would not swear to that either.

Q. Were prizes offered for the largest vote polled in the interests of Tammany Hall in each election district? A. I have no recollection of his saying anything to that effect.

Q. What is that? A. I haven't any recollection.

Q. Wasn't the prize of a gold watch offered? A. Not as I know of.

Q. You did not hear that? A. No, sir.

Q. What did you hear on that subject? A. I didn't hear anything to that effect; not to my knowledge.

Q. Or anything in substance like that? A. No, sir.

Q. Was anything said about who would poll the largest Tammany Hall vote in this meeting, which district? A. (No answer.)

Q. How? A. I don't know.

Q. Was anything said on the subject of getting out your vote? A. Why, I knew that the—

Q. No, was anything said about it? A. Getting out the vote?

Q. Yes. A. No.

Q. What were you called there for? A. I did not pay any attention to the instructions that were given; as far as I was concerned, I was kind of sore at a certain thing, and I did not take much interest then.

Q. You had not been turned down, then? A. No, sir.

Q. You were still captain of your district? A. Yes.

Q. And you were there to receive instructions, were you not? A. Yes, sir; but the way Mr. Boyle had treated me I did not take any interest in the matter at all.

Q. How? A. I can not say; I haven't any recollection, sir.

Q. You recollect some of it very clearly; now the question I asked you is if you heard what he said; don't shake your head but speak so the stenographer can take it down? A. No.

Q. You did not hear what he said; what part of the room were you in? A. It is quite a big hall; a good deal larger than this.

Q. Larger than this courtroom? A. About twice the size of this room; we were all scattered around.

Q. How many were there? A. I suppose every district was represented.

Q. How many was that? A. Every election district was represented.

Q. How many were there? A. I suppose about 46 or 50.

Q. Forty-six; in the neighborhood of 45 to 50 men there? A. Probably so; there was maybe a few others in the hall that were not captains.

Q. Did anybody else do any talking except Mr. Boyle? A. Yes, sir; I think there was one or two men got up and had something to say.

Q. Who were they?

Mr. Nicoll.—Now, Mr. Chairman, in so far as this investigation relates to the police and to their conduct, and in so far as it brings evidence which makes it appear that they were guilty of any infraction of the law, it seems to me it is material; but has the committee power or is it the intention of the committee to investigate any charges of political activity or political conduct on the part of the election officers, or violations of law by them?

Chairman Lexow.—Disconnected with the police?

Mr. Nicoll.—Yes.

Chairman Lexow.—I presume Mr. Sutherland is going to connect it.

Mr. Nicoll.—He has asked the question whether Mr. Boyle stated the police would not act in sympathy with the election inspectors and poll clerks and the district captains; and he has said he don't recollect anything of that sort was said; and does not that really exhaust that part of the subject; and is not all the rest simply a matter which may be left perhaps to the investigation of some other committee under a different resolution?

Senator Cantor.—There is a committee already in existence for that purpose, for the investigation of election frauds throughout the State.

Chairman Lexow.—Do you expect to connect it?

Mr. Sutherland.—This witness has stated that each captain should have their own policemen.

The Witness.—I did not say anything concerning the police.

Chairman Lexow.—As I remember the witness's testimony, he has stated that he would not swear that Mr. Boyle had not made that statement.

Mr. Sutherland.—I understood the witness to state he thought that something of that kind was said. The record will show.

Mr. Nicoll.—He stated that he did not recollect, and then Mr. Sutherland asked whether he would not swear he did not, and he said he would not swear he did not.

Mr. Sutherland.—You are mistaken about it. I suppose I may go on and examine the witness?

Mr. Nicoll.—Certainly.

Q. Who spoke besides Mr. Boyle? A. I haven't any recollection now of the people who did get up to—

Q. Was there more than one besides Mr. Boyle? A. There was one or two, as I said before.

Q. You don't remember who they were? A. No, sir; I do not.

Q. Did anyone say anything about the police in their talk?
A. I don't remember.

Cross-examination by Mr. Nicoll:

Q. I understood you to say you had some little difference with Mr. Boyle in the district there, didn't you, as to your sympathies? you were in favor of one candidate and he was in favor of another, wasn't he? A. No, sir; the candidate that I was in favor of was John F. McDermott, for Assembly; that is the man I was really working for, and Mr. Boyle turned me down; I don't know what for.

Q. There was some misunderstanding? A. Yes, sir; and Mr. Boyle sent for me since and wanted to apologize, but I would not accept his apology, because I have been faithful.

Q. At all events, this is one of those political misunderstandings that sometimes occur between the statesmen? A. That is the idea.

By Senator Bradley:

Q. When was this meeting; when did this meeting occur?
A. The meeting of the captains?

Q. Yes? A. On Sunday afternoon; I can not recall the date.

Q. Sunday before election? A. Probably that was it.

Q. Last election? A. Yes, sir.

Q. Have you been afflicted with a short memory all your lifetime? A. I have; yes, sir.

By Chairman Lexow:

Q. One moment; the occurrences of that interview between Mr. Boyle and the different district captains there was, in your judgment at that time, a matter of some importance, wasn't it; it was a matter of some importance at that time to you, wasn't it, that interview, that meeting? A. Some importance; I suppose it was; yes, sir.

Q. Is there nothing that occurred there that you remember now? A. No.

Q. Nothing at all? A. No.

Q. Your mind is a perfect blank as to anything that occurred on that occasion? A. Yes, sir.

Senator Bradley.—He has always been afflicted in that way.

L. B. Rafelson, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Four hundred and nineteen East Fiftieth street.

Q. What is your business? A. Infants' wear.

Q. Where do you do business? A. Four hundred and eighty-one Broadway.

Q. Where did you live in 1892? A. One hundred and sixty, Division street.

Q. In what Assembly district is that? A. The Third Assembly district, I believe.

Q. In which election district? A. I think it is the fifth election district.

Q. Did you have a shop there? A. I had a store there at that time.

Q. Do you know Ralph Nathan? A. Yes, sir.

Q. Were you a friend of his? A. He is a nephew of mine; I raised him.

Q. You knew that he was a candidate for office, did you not? A. Yes, sir.

Q. Did you have his lithograph in your window? A. Yes, sir; in the window of my store.

Q. Did any policeman call on you in regard to that lithograph? A. Yes, sir.

Q. Who was he? A. I do not know the policeman's name anymore.

Q. Did you take his number? A. No, sir; I was so excited at that time that I forgot to get his number.

Q. Was he in uniform? A. Yes, sir.

Q. What time of the day was it that he called? A. I think it was about noon time.

Q. What day of the month? A. I do not remember.

Q. How long before election was it? A. It was a week or 10 days before election.

Q. What did he tell you? A. He came into the store and said that I should take out the picture from the window; I knew that he was the policeman on that post, on that street, and I asked him if he knew who the portrait was, and he said he knew that he was a nephew of mine, but, "I want you to take it out;" so I told him, "If you don't clear out of here, I will fire you out and you will be very sorry for it, I will take good care of myself," and so he went out.

Q. Did you explain to him that Mr. Nathan was your nephew? A. Yes, sir; he knew that.

Q. Did he say that he knew Mr. Nathan was your nephew?
A. Yes, sir.

Q. And he said it made no difference? A. Yes, sir; he said if it was my own picture, I would have to take it down.

Q. He said that to you? A. Yes, sir.

Q. Did he tell you why you would have to take it down? A. Because Mr. Nathan was on the Republican party.

Q. Did he say what right he had to order it down? A. I did not ask him so many questions, but I told him to clear out.

Q. Did you take it down? A. No, sir.

By Senator O'Connor:

Q. Whose picture was it? A. Ralph Nathan's.

Q. What was he running for? A. For the Assembly.

Q. He was the Republican candidate for Member of Assembly in that district? A. Yes, sir.

Q. Was it for Member of the Assembly or for judge? A. Member of Assembly at that time, in 1892.

By Mr. Sutherland:

Q. Was it in 1892 or 1893 that you were present in a saloon when Mr. Nathan inquired why his picture was taken down from there? A. No, that was in 1892 also.

Q. What saloon was that? A. Right next door to me.

Q. You and your nephew went in there together? A. Yes, sir; we went past, and we saw that the picture was not in the window and we went in and I asked him why it was down and he said the officer was there and told him—

(Objected to.)

Mr. Nicoll.—Is the conversation between him and the saloon-keeper proper evidence?

Mr. Sutherland.—As to the reason why he took his picture out of the window is proper.

Mr. Nicoll.—I think that is going to a very great length.

Chairman Lexow.—I think it is a little roundabout.

Q. What was the name of the saloon-keeper? A. I do not remember.

Mr. Sutherland.—Why, it was right in the midst of a political Senator O'Connor.—It seems hardly competent.

Mr. Sutherland.—Why, it was right in the midst of a political campaign, and the excitement was very great, and the candidate had his picture in the window, and he was told that it was taken out, and he went in to inquire about it, and he was told why it was taken down.

Senator O'Connor.—That would not be evidence that the saloon-keeper gave a truthful reason.

Mr. Sutherland.—It would not be evidence if a person was on trial for a crime, of course; but I think it is good evidence here.

Senator O'Connor.—I do not think it is competent.

Chairman Lexow.—We all think that the testimony is too indirect.

Cross-examination by Mr. Nicoll:

Q. I understand that you are a manufacturer? A. Yes, sir.

Q. And that you are the uncle of Mr. Nathan, who ran for civil justice against Judge Roesch? A. I believe so.

Q. You were naturally greatly interested in your nephew's canvass? A. I think I ought to be.

Q. Well, you were, of course? A. Certainly.

Q. And you hung up a picture of his in your store? A. Yes, sir.

Q. Who was the man who came and asked you to take it down? A. An officer.

Q. Was he in uniform? A. Yes, sir.

Mr. Sutherland.—He said he was an officer on that beat.

Q. You had no trouble with the police, did you, in your business? A. No, sir.

Q. Your business does not bring you in contact with the police in any way? A. No, sir.

Q. When he came in and asked you to take the picture down, you told him to get out, did you? A. Yes, sir.

Q. And you kept the picture hanging there? A. Yes, sir.

Q. Did he tell you that he did not sympathize with your nephew in his canvass? A. He didn't say anything at all.

Q. He just asked you to take it down? A. Yes, sir; to take it down.

Senator O'Connor.—He did more than that, more than to ask him; he said that he should take it down.

By Senator Bradley:

Q. Do you use a showcase outside of the door of your store? A. Yes, sir.

Q. There was no officer who interfered with that and asked you to take it in, was there? A. No, sir; but the showcase was within the three feet, so that it was not any incumbrance upon the street.

Henry Kusters, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Twenty-five Vandam street.

Q. Did you reside there in the fall of 1892? A. No, sir — yes, sir; I did.

Q. Where was your voting place? A. I could not tell you the number of Varick; it was Vandam and Charlton.

Q. What Assembly district is that? A. The Eighth Assembly district.

Q. In what election district is that? A. The eighth election district.

Q. The eighth of the Eighth? A. Yes, sir.

Q. What officer attended the polls there in 1892? A. He was unknown to me; I don't know him.

Q. Did the same officer attend in 1893? A. I am speaking about 1893.

Q. What I want to know is, whether it was the same officer who attended there year after year? A. I did not vote the year before that.

Q. You did not vote in the year 1892? A. No, sir; I did not vote that year.

Q. You can not tell the name or the number of the officer then, who attended there last fall? A. No, sir.

Q. Did the officer do or say anything to you when you came up to cast your vote? A. Yes, sir.

Q. What did he say to you? A. He stepped up to me and tapped me on the shoulder and asked me if I did not leave something in the booth.

Q. What were you doing at that particular moment? A. I was casting my ballot.

Q. Had the inspectors got it out of your hands at that time? A. Yes, sir.

Q. They were about putting it in the box? A. Yes, sir.

Q. Did you turn around to look, to see if you had left anything? A. I did not go into the booth again.

Q. No, but did you turn your head, when he tapped you on the shoulder? A. I believe I did.

Q. Did you see the ballot go into the box, or was your head turned just at that time? A. Very likely it was.

Q. Did he do that to other voters besides you? A. I understood that he did.

Q. Did you see him do it to others? A. No.

Cross-examination by Mr. Nicoll:

Q. Do you mean to say that the officer voted your ballot?

Mr. Sutherland.—No, he did not say so, but he distracted the attention of the voter, so that the ballot might get into the wrong box.

Mr. Nicoll.—Well, I think that is a wild story.

Q. Did you go to the ballot clerk and get your ballot? A. Yes, sir.

Q. You got them in the usual manner? A. Yes, sir.

Q. And he gave you a full set of ballots? A. Yes, sir; four or five; I am not positive which.

Q. All there were to give out, he gave to you? A. Yes, sir.

Q. And you took them in your hand and went into the booth? A. Yes, sir.

Q. Did you know how to fold them? A. No, sir; I did not know how to fold them.

Q. Had you never folded ballots before? A. I had, once before this.

Q. Did you not know how to fold them on that election day?

A. Not that day; not the last election.

Mr. Sutherland.—This witness commences with standing before the ballot-box.

Senator O'Connor.—The only significant question, it seems to me, is this: while this witness was handing the ballots to the inspector, the policeman distracted his attention, and told him that he had left something in the booth, and the argument is for the purpose of permitting the inspector, without his knowledge, to put it in the wrong box; I do not understand that he has direct proof of that, but counsel asks us to infer that.

Mr. Sutherland.—I shall bring other witnesses in reference to that point, to show that the same thing occurred to others.

Senator O'Connor.—The only material thing is, whether the officer did call his attention away from his vote, at that particular time.

Mr. Nicoll.—It is a very serious accusation to make against a police officer, if true.

Mr. Sutherland.—Not nearly so serious as many others that have been testified to.

Chairman Lexow.—Go on.

Mr. Nicoll.—Well, you have not proved them yet, and the committee have heard only one side of the case; I do not suppose that the committee will listen to your evidence only, evidence on one side?

Senator O'Connor.—No, we will make up our minds after hearing all the evidence.

Q. You folded your ballots, did you not? **A.** No, sir.

Q. Who assisted you? **A.** I had this policeman to assist me.

Q. This policeman assisted you in folding your ballots? **A.** Yes, sir, he did.

Q. Did he fold them for you? **A.** Yes, sir; he told me to fold one—he asked me which one he should fold for me—he did not ask me which party, but asked me which identical one he should fold, and I gave him the one I wanted him to fold.

Q. And that was the one you wanted to vote? **A.** Yes, sir.

Q. And that one you gave him? **A.** Yes, sir.

Q. After that he said or asked you which you did not wish to vote, did he? **A.** I gave him three or four more, which he folded all in one.

Q. He did not attempt to tell you which one to vote, did he? **A.** No, sir.

Q. He simply asked you which one you wanted to vote? **A.** Yes, sir.

Q. And he folded that for you? **A.** Yes, sir.

Q. And then you told him the ones that you did not want to vote, and he folded those? **A.** Yes, sir.

Q. Then what did you do with the one that you wanted to vote? **A.** I took them all.

Q. You held that one in your hand? **A.** Yes, sir.

Q. And you held the others in the other hand? **A.** Yes, sir.

Q. And when you came before the inspectors of election, what did you do? **A.** I gave it to them.

Q. Did you give them all the ballots? **A.** I gave them the ones I wanted to vote and then afterward I gave them the ones that I did not want to vote.

Q. Did you see them put them down on the box? **A.** He was tearing the end off when my attention was distracted.

Q. Your attention was distracted? **A.** Yes, sir; when he was tearing the end off.

Q. You do not undertake to swear or say that the inspectors voted a different ballot than the one you handed them? **A.** No, sir.

Q. Do you come here to make that charge?

(Objected to.)

A. No, sir.

Q. Do you make that charge before this august body?

(Objected to.)

Chairman Lexow.—I think it is perfectly proper to know whether he wants any inference drawn from his testimony.

Mr Sutherland.—He did not make any charge; he has simply stated what occurred.

Q. Do you want the gentlemen of the committee to believe that your vote was diverted from what you intended, by the inspector of that district? A. I could not tell whether the intention was that way or not.

Q. You do not know; you have not made up your mind yet?

Senator O'Connor.—You ask in reference to the intention of the inspectors; he can not testify as to that. Ask him if he suspects that that was what was done.

Mr. Nicoll.—If he wishes the committee to believe that—

Mr. Sutherland.—I did not ask him what he believed in my examination. You have asked that, and if you object to his suspicions, do not ask for them.

Senator O'Connor.—I do not think the committee will pay much attention to that, unless it is backed up by other evidence.

By Mr. Sutherland:

Q. What ticket was it that you told the policeman you wanted to vote? A. The Republican ticket.

By Senator Bradley:

Q. Do you say that you handed the ballot to the officer that you wanted to vote, and that he voted it for you? A. I voted it; he folded it.

Q. And he took the others and folded them all together? A. Yes, sir.

Q. And he brought them out? A. No; I brought them out.

Q. All folded up in one? A. The one I voted, I had separate from the others.

Q. And the other four or five, he folded them all up in one? A. No; he folded them just the same as the others were folded, only in one package.

Q. Do you remember how many ballot-boxes there were there? A. No, sir.

Q. Do you not know there was only one ballot-box there?

Chairman Lexow.—No; there were two boxes, one for the unused ballots.

Mr. Sutherland.—He could transpose the ballots.

Mr. Bradley.—I understood the witness to say that the officer folded the four or five ballots all up in one, and handed them to him.

Chairman Lexow.—He meant in one bunch.

The Witness.—He folded the four separate, but in one package.

Woodruff Halsey, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your profession? A. I am a clergyman.

Q. Where do you reside? A. Twenty-eight Charlton street.

Q. Where did you vote last fall? A. In the eighth election district of the Eighth Assembly district.

Q. Can you tell us where that polling place was? A. It is on Varick street, between Vandam and Charlton.

Q. Is that the same polling place that the last witness has spoken of? A. I presume so; I did not pay very close attention to his testimony.

Q. He described his as being the eighth of the Eighth? A. Yes, sir; that is the same.

Q. What time of the day did you vote? A. About 10 minutes of 8 o'clock in the morning; I left home at a quarter of 8, and I voted along about 8 o'clock, I suppose, accurately speaking.

Q. How many policemen were in attendance there? A. One inside and one outside.

Q. Do you remember the number or the name of the one inside? A. No, sir.

Q. Did this policeman inside speak to you? A. After I came out of the booth, after folding my ballots, and as I stood in front of the inspector, after I had passed the ballots which I did not vote to the inspector to my left, just as I handed my ballot to the inspector, I heard someone speak to me, but I paid no attention, and then the policeman touched me on the shoulder, this short policeman as distinguished from the taller man outside, and I turned around as I would naturally do to an officer, and he said, "You left this pencil in the booth," and I noticed that it was a red pencil; a sort of pencil that I never carry; he said, "You left it in the booth," and I said, "No, I have no use for the pencil," and he said, "You must certainly have left it there, for I found it there," and then it occurred to me, that the policeman was endeavoring to distract my attention, and I turned back, facing the inspector, and my ballot had disappeared, and the inspector said it was all right; the fact that aroused my suspicion even more than that, that there was some funny business going on was when I went home, it could not be later than a quarter after 8 o'clock, because I had an engagement at a quarter-past 8, and it was 10 or 15 minutes before the person came for whom I was waiting, and when he came, I took out my watch, and said, "You are just on time;" that is the reason I know about the time; and I know that that man passed an hour,

and a gentleman came in, who lived at No. 3 Charlton street, Mr. McClintock, and he said—

(Objected to.)

Chairman Lexow.—Unless you propose to connect it, it is hardly competent.

Mr. Sutherland.—It will be connected.

Q. This is leading up to some matter within your own knowledge, is it not? A. Yes, sir; he asked me if I had voted and I said, yes, and he said, "How long ago did you vote?" I said, "I voted at 8 o'clock, and he said, "That is very strange, I was in the place at 9 o'clock, and I heard them calling off your name, and I waited, waited and waited, but I saw no man like you there;" then we went back to the polling place together, and I found that my name had been voted on straight enough, so, of course, I could do nothing more; then I asked him—the only reason I have of introducing his name is that I asked him, "Did anything occur to you at the polls?"—and he said the policeman—

(Objected to.)

Q. What was his name, did you say? A. Mr. T. L. McClintock, No. 8 Charlton street.

Q. How long have you lived in that election district? A. Four years nearly in that district; in the Assembly district 12 years, but in the election district only about four years; I lived at No. 31 Vandam street, before this.

Q. Do you know quite a good many people there? A. Yes, sir.

Q. You know quite a good many Republicans in that election district? A. Yes, sir.

Q. More than 12? A. I should say so; yes, sir.

Q. How many to your personal knowledge are there in that district? A. I think I gave to someone—I do not know who it was—the names of 20 men, that I was satisfied had voted for Judge Bartlett.

Q. How many Bartlett votes were found in that election district? A. Twelve.

Cross-examination by Mr. Nicoll:

Q. Who was the Republican inspector there? A. There was not any Republican inspector there—I beg your pardon—I mean watcher; I do not know who the Republican inspector was.

Q. You do not know him personally? A. No, sir.

Q. Have you since inquired as to whether or not he was a true and faithful Republican inspector? A. No, sir; I have not.

Q. Whether he was anxious to look after the interests of his party? A. I could not make any inquiries.

Q. You did not know him? A. No, sir.

Q. Then I suppose that we must presume that he was faithful in the absence of knowledge to the contrary? A. There was no Republican watcher there, for I went back and tried to find out.

Q. You say there was no watcher there? A. No, sir; there was no one there outside; the Tammany Hall man was there; they all knew me perfectly well.

Q. You are a perfectly well-known man there in the district, are you not? A. Yes, sir.

Q. You are a clergyman engaged in church work and you know a great many of those people, do you not? A. Yes, sir.

Q. And on good terms with them, are you not? A. Up to this election they have all been very polite to me; some have not been so since.

Q. Were you treated with any rudeness at the polls? A. No, sir; not at all.

Q. You simply entertain a vague suspicion that perhaps your vote might have been juggled with? A. I should say more than a suspicion.

Q. You have told us all the facts upon which you base it? A. Yes, sir.

Q. How long have you lived in that neighborhood? A. Twelve years.

Q. What is your church? A. The Spring Street Presbyterian church.

Q. Are you the pastor of that church? A. Yes, sir.

Q. You do not take an active part in politics, do you? A. No, sir.

Q. You do no more than to vote, do you? A. No, sir.

Q. Do I understand you to say that your name was voted on once by yourself, and once by some one else? A. No, I would not say that; I say that I voted at 8 o'clock and at 9 o'clock they were calling off my name, which seemed to be a very suspicious circumstance.

Q. That depends upon the statement of your friend, does it not? A. Yes, sir.

Q. Did you not hear of that yourself? A. No, sir.

Q. And when you returned to the polls to find out, it seemed to be all regular, did it not? A. The vote had been cast.

Q. And you had cast it at an earlier period of the day? A. Yes, sir.

By Chairman Lexow :

Q. Do you answer that that way? A. Well, I had attempted to cast it; I do not say that I did cast it.

By Mr. Nicoll:

Q. I do not mean to trap you; I mean you had gone through the performance which you have described here? A. Yes, sir; I had.

J. Craig Havermeyer, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 50 West Thirty-seventh street.

Q. What is your business? A. Clerk.

Q. For whom? A. H. B. Hollins & Company, No. 15 Wall street.

Q. Were you a Republican watcher at the last election? A. I was.

Q. Where were you stationed? A. At No. 57 Baxter street.

Q. What Assembly district is that in? A. The Second Assembly, the thirty-eighth election district.

Q. Did you go there with your regular watcher's certificate? A. I did.

Q. Did you exhibit it when you got there? A. Yes, sir.

Q. And notify them of your appointment? A. I did.

Q. Did you demand your place prescribed for you by law? A. Yes.

Q. What was said or done on that subject by the other side?

A. I attempted to walk behind the rail and one of the policemen in charge asked me what I was doing there, and I told him I was a regularly appointed watcher, and had a right to be there, and he told me that he had orders to allow no one behind the rail; I protested, and he told me that I would have to get out to avoid trouble; I refused, so he came in and laid his hand on my arm, with sufficient force to take me out—that is, I did not resist.

Q. He formally put you out? A. He did.

Q. Do you know the name or the number of that policeman?

A. There were two policemen stationed there, and my recollection is that one was No. 133 and the other was No. 1584.

Q. Which one was the one who ejected you? A. I do not know.

Q. Were the inspectors of election there at that time? A. Yes, sir.

Q. Did they make any move to protect you? A. No, sir; none at all.

Q. Were you able to get behind the guard-rail at all that day?

A. After the polls closed at 4 o'clock, I was admitted behind the rail.

Q. Did this policeman who ejected you from behind the guard-rail remain in the polling place all day? A. No, he went out about lunch time, to get lunch.

Q. Did he come back again? A. Yes, sir; in the afternoon.

Q. So, excepting a short time when he was away for lunch, he was there all the time? A. Yes, sir.

Q. Was he where he could see what was going on? A. Yes, sir; he was right there.

Q. Tell what you saw in regard to any irregularities under the observation of the policeman? A. The district was largely inhabited by Italians, and a great number of those men were apparently illiterate; one would come in frequently — in many cases they would come in and they could not talk English, and the ballot clerk would ask his name, and the Tammany — I suppose it was a Tammany man outside, evidently a sympathizer of his, would coach him.

Q. What did he do or say? A. They spoke principally in Italian and I don't know what was said, but the henchman would start to go in with these men.

Q. Go in where? A. In the booth, and I objected, and asked what was the reason for his going in, and he said, that he could not read — that was the henchman's reason, the man spoke no English; and I said, that made no difference, and then at the bidding of some one outside of the rail, a man who was stationed there the entire day and directed affairs, he took an oath in Italian — or I suppose it was an oath — he took an oath in Italian that he was blind.

Q. Who told you that he was taking an oath that he was blind? A. The man who was stationed at the door, and directed the voting.

Q. And after taking the oath that he was blind, then the other man went into the booth with him? A. Yes.

Q. Do you remember the number of his ballot? A. I made a note of them at the time.

Q. Was it number 136? A. That was one of the numbers, I think.

Q. Did that sort of thing occur more than once during the day? A. Yes, sir; frequently throughout the day.

Q. How many such were there? A. That occurred probably 10 or 15 times.

Q. In each case did you protest? A. Yes, sir.

Q. And in each case they took some oath, did they? A. Yes, they did.

Q. Or they went through the appearance of taking the oath? A. Yes, it was done in Italian; I do not know whether it was an oath or not.

Q. Then this man went with him into the booth? A. Yes.

Q. And he came out with them? A. Yes.

Q. Were they actually blind? A. They had every appearance of not being blind; when they first came in, their first reason for not voting alone was, that they could not speak English or could not write; then afterward at the bidding of someone outside, they said they were blind.

Q. Could you see that they moved about freely? A. They came in, unassisted.

Q. They acted as if they had possession of their eyesight? A. Yes, sir.

Q. Could you see that they had full possession of their hands and arms? A. Yes.

Q. Was there any outward appearance that they were unable to go into the booth alone, and prepare their ballots? A. No.

Q. But they went through some form of taking an oath, or what was said to be an oath, in Italian, and then this managing man went into the booth with them? A. Yes, sir.

By Chairman Lexow:

Q. Who administered the oath? A. The chairman of inspectors.

Q. Was he an Italian? A. He was.

Q. And there was no translation from English into Italian? A. No.

Cross-examination by Mr. Nicoll:

Q. Were you a witness before the grand jury on any complaint against the election officers? A. No.

Q. Or upon any charge in the Court of Oyer and Terminer? A. No.

Q. Did you make any complaint to the captain, the inspector, the superintendent or commissioners, of the conduct of the officer? A. I made my complaint to the officer on the day of election only.

Q. I understood you to say that the officer you put outside of the guard-rail? A. Yes, sir.

Q. And you remained there until the polls closed? A. Yes.

Q. That, you understood, was an invasion of your rights as a watcher, provided you were duly authorized? A. Yes.

Q. Who gave you your authorization as a watcher? A. The Republican Club.

Q. Was it signed by the police officials? A. I do not remember.

Q. You do not know whether it was an authorization as watcher under the statute or not, do you? **A.** I think not—that it was not signed by the officials.

Q. You think it was not? **A.** I am not sure; I know a great many other certificates of the same sort were given out.

Q. I understood you to say that you were a regular authorized watcher? **A.** Yes, sir.

Mr. Nicoll.—I have supposed that all these people that you have been talking about as watchers, were authorized by law?

Mr. Sutherland.—So they were.

Q. Where is your certificate? **A.** In my possession.

Q. Let us see it? **A.** I have not it here; it is at home, I believe.

Mr. Sutherland.—We can get it for you, if you want it.

Mr. Nicoll.—I would like to see it.

By Chairman Lexow:

Q. Was there any question raised as to your certificate, as to the legality of it; as to its regularity? **A.** There was no question raised as to that.

Mr. Sutherland.—Will you send me your certificate to the Hotel Metropole? **A.** Yes, sir.

Chairman Lexow.—The witness says there was no question raised as to the regularity of this certificate.

Mr. Nicoll.—I feel bound to say that my information is that there were quite a number of certificates issued to gentlemen who acted as voluntary watchers, but that they were not the watchers who were authorized to act under the statute. You perceive at once, the statute, on the question of a watcher, who is authorized by law, is perfectly clear; there is no doubt about that; a person who has been regularly authorized as a Republican watcher, has as much right as anyone, but you will find that what these gentlemen had was not a regular authorization, were not authorized certificates of watchers from police headquarters, but that they were volunteer watchers sent out by different associations. Those persons, certainly, have not the right to go within the rails, unless they were called there by the election inspectors for the purpose of preserving order, and that is what you will find in all this testimony that we have been taking here.

Chairman Lexow.—That objection would be good, if it was raised at the time, but if the regularity of the certificate was not called in question then, how that can be raised now, for the purpose of defending those who violated the law, I can not understand.

Mr. Nicoll.—The proper person to present the certificate is the watcher, to the inspector of election, and the watcher comes there in the morning, and presents his certificate.

Mr. Sutherland.—That is what this man did.

Mr. Nicoll.—And they rejected it?

Mr. Sutherland.—No; the policeman told him to go out.

Mr. Nicoll.—Let him bring his certificate here, and you will find that it was not authorized by the police department.

Chairman Lexow.—Supposing that is so, but the election inspector at that time did not reject his certificate on any such ground — on any ground of irregularity — would that be a good defense for them now?

Mr. Nicoll.—I am not here to defend any election officer.

Chairman Lexow.—Would it be a good defense for the police officer?

Mr. Nicoll.—I am here to explain what seems to be a very proper criticism upon the conduct of certain police officers. No one can defend the exclusion of a properly qualified or properly authorized Republican watcher within the guard-rail. The statute makes it as plain as anything can be in the English language. There ought to be no argument or debate about that; he has an absolute right there, if he has got his proper credentials; but I think you will find where they were not admitted, that they had not the regular credentials, but that they were certain volunteer watchers, equipped with an authorization from volunteer associations, and that they had not the right to go behind the guard-rails.

Chairman Lexow.—Do you take this position, that supposing a Republican watcher presents his certificate and no question in reference to the regularity of that certificate was raised at that time, if now you can pick a flaw in that certificate, that, therefore, if they were not admitted, no interference has been attempted?

Mr. Nicoll.—There can be no question; there is only one certificate; the law says who shall issue it, and who shall sign it and seal it; it is all provided for in the statute; there can be but one such certificate, and whoever had such a certificate is entitled to be there, and whoever did not have it was not entitled to be there, and the officer was obliged to put him out.

The Witness.—The officer did not even examine my certificate.

By Mr. Sutherland:

Q. You told him you had it? **A.** I exhibited it at the time.

By Mr. Nicolli:

Q. Who gave your paper to you? A. It was given to me at the Republican Club.

Q. Were you ever at police headquarters to make an application as a watcher? A. No.

Q. Was it just a piece of paper handed to you at the Republican Club? A. No; it was not just a piece of paper.

Q. Well, I mean a certificate? A. Yes; it was a certificate.

Q. Who handed it to you? A. I think Mr. Smith.

Q. John Sabine Smith? A. I think it was.

Q. Had there not been a call on the part of the Republican Club to gentlemen interested in that side of politics to act as watchers on election day; had there not been a request for such persons to send in their names? A. I think both parties requested the names of persons who would be watchers.

Q. And was it not in answer to that request that you sent in your name? A. Yes.

Q. When did you call for your certificate? A. I think it was the night before election.

Q. Between the time of sending in your name and the time when you got your certificate, had you been at police headquarters at all? A. I had not.

Q. Will you please produce that certificate? A. Yes.

Mr. Sutherland.—Send it to me at the Hotel Metropole.

By Senator Bradley:

Q. You were at the polling place all day? A. Yes; with a brief interval for lunch.

Q. Did you, during the whole day, or any part of the day, see any policemen act in any kind of a disorderly manner or interfere with the voters as they came in or went out of the polling place? A. They rather assisted than interfered.

Q. They did not use any violence? A. No.

By Chairman Lexow:

Q. What do you mean by the word "assisted"? A. The police frequently asked the Tammany man at the door to hurry in the voters.

Q. Were you recognized there by the inspectors, as the Republican watcher? A. They did not question my authority at all.

Q. And they let you in after 4 o'clock? A. After 4 o'clock; they did.

Q. As the Republican watcher? A. Yes, sir.

Q. And they did not question your authority throughout the day? A. They did not.

By Senator O'Connor:

Q. These Italians, who took the oath that they were blind, was that done in the presence of the policeman? A. Yes.

Q. And so far as you could see, they had good sight for all purposes, except for voting? A. Yes, sir; blindness was a secondary question.

Q. It did not seem to attract the attention of the officer as being a suspicious circumstance at all? A. He showed no sign of that.

Q. When you told the policeman that you were there as a Republican watcher, and you undertook to show him your certificate, he said that made no difference? A. Yes, sir; he said he had orders to admit no one behind the rail.

By Chairman Lexow:

Q. To admit no Republican watcher behind the rail? A. To admit no one.

By Senator Bradley:

Q. Was there any other watcher inside of the rail? A. No.

Q. The Tammany watcher was not inside of the rail, either? A. No.

Senator O'Connor.—They had no need of that. They had a good inspector.

Q. Was the Tammany worker there? A. Yes; he was allowed within the door.

By Senator Bradley:

Q. Did he peddle any pasters inside the door? A. No.

Walter Logan, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Two hundred and twenty-two West Tenth street.

Q. Where is your place of business? A. Five hundred and eighty-four Hudson street.

Q. What is your business? A. Printer.

Q. During the Presidential election of 1892, did you visit a number of the election districts? A. I have been in the habit of doing that regularly at every election.

Q. Did you go down to Gansevoort street in 1892 and observe a

policeman there? A. I can not say that it was in 1892, but the circumstance has been brought to my mind and I think it was the year that Mr. Gorman ran for sheriff.

Mr. Nicoll.—That was in 1890.

The Witness.—Yes, 1890; I think.

Mr. Nicoll.—Does the committee want to go back to 1890?

Mr. Sutherland.—Did they have these booths then?

Mr. Nicoll.—Yes.

Chairman Lexow.—Yes; that was the first year.

Q. Did you observe anything about the police officer at that place? A. In traveling up Hudson street, my attention was called to the fact that an irregularity was going on in that polling place, and —

Q. Did you go there? A. Yes; I went there.

Q. What did you see? A. I stood by and saw the circumstance repeated, of the policeman in charge being inside of the rail and folding the ballots, taking the voter into the voting place, and folding his ballot for him, and I waited until I got the evidence, and then I said to him, "Young man, you are exceeding your duty; you have no right to do that;" and he seemed astonished, and even the inspector seemed astonished; and I said, "Gentlemen, you must not allow the policeman to go inside of the bar; his duty is outside to preserve order;" and I came down to the station-house; I said I would go down to the station-house and report you if you proceed in this manner;" he felt astonished, but, however, he was one of those men who had a good deal of intelligence about him; and I said, "You are doing an illegal act;" and he came out and said, "He would desist;" but a number of the parties around there began to growl; and I said, "Gentlemen, I will send an officer here, and if that wont be effective, I will go to the station-house and report you;" I said, "Desist for your own sakes, gentlemen;" and I went up to the Republican headquarters, at No. 1 Abingdon square, and got one of the United States marshals to go and look after that affair, and when he came back he reported at headquarters that the policeman had desisted from doing this.

(Cross-examination waived.)

Thomas F. Carroll, called as a witness, duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. One thousand six hundred and ninety-four Third avenue.

Q. Were you the Republican captain in January last at the special election? A. Yes, sir.

Q. In what district? A. The Thirteenth Assembly district.

Q. In what election district? A. In the twenty-fifth election district.

Q. Did you make any objections to the conduct of the police officers there? A. No, sir.

Q. What was it that occurred there? A. The policeman came outside, and ordered me away.

Q. Where were you? A. I was outside the door of the polling place.

Q. And the policeman ordered you away? A. Yes, sir; and I walked away, as he said to me "Please excuse me," he says, "You will have to take a walk," so I walked away about six feet from the door, and he went inside, and a little while after he came out, and he had some conversation with the Tammany captain, and then the Tammany captain walked down the street a ways, and the officer said to me, "I guess I will have to take you in."

Q. The Tammany captain said that to you? A. No; the policeman said that to me.

Q. Had the Tammany captain gone at—? A. No, sir.

Q. What did the policeman do with you? A. He locked me up; he fetched me before Justice Welde, and he discharged me—he made a charge against me of electioneering right near the polls.

Q. Had you done any electioneering there? A. No, sir.

Q. Did you have any watcher's certificate there with you? A. Yes, sir.

Q. What time of the day was it that this policeman did this? A. About half-past 8 in the morning.

Q. How long did they keep you there? A. About an hour.

Q. And then Judge Welde discharged you? A. Yes, sir.

Q. Where did you go? A. I took the car down to the polling place, and I met a policeman going down on the car, and he said, "Are you satisfied now?" And I said, "If I see the Tammany captain within the lines of the polls, I will order you to arrest him;" and afterward I was speaking to this Tammany captain on the corner, and we were about 30 feet away from the door of the polls, and the policeman came over to me again, and he said, "Aint you satisfied; do you want me to take you in again;" and I said, "If you take me in, you will have to take this here man in."

Q. What did he say? A. He didn't say anything, but he walked away.

Q. Did you stay there the rest of the day? A. Yes, sir.

Q. All day long? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Carpenter.

Q. Where do you do business? A. One hundred and twenty-four Elizabeth street.

Q. Are you in business on your own account?

Mr. Sutherland.—He is very deaf; you will have to speak loud.

By Senator Bradley:

Q. Are you a boss carpenter? A. Yes, sir.

By Mr. Nicoll:

Q. Do you say you are a boss carpenter? A. Oh, no, sir.

Q. Who are you in business with? A. I work for William & Christ.

Q. How long have you been working for them? A. Three and a half or four years.

Q. What time did you go to the polls that day? A. About 10 minutes to 5 o'clock.

Q. Did you talk with anybody there? A. Yes, sir; I was talking to the Tammany captain, and to the policeman outside of the door.

Q. Had you not been doing anything?? A. That was another officer that I was talking to.

Q. Hadn't you been doing anything before you got into this trouble? A. No, sir.

Q. Nothing at all? A. I was just passing remarks about the weather; that is all.

Q. Talking about the weather, were you? A. Yes, sir; to the officer.

Q. You talked about the weather to the officer, and he arrested you for electioneering? A. Yes, sir; that is the charge he made against me.

By Senator Bradley:

Q. Were you drinking anything that morning? A. Yes, sir; I had a little.

Q. How many drinks did you have before you were arrested? A. About three or four, I believe.

Q. You did not mix your drinks at all that morning? A. No, sir.

By Mr. Nicoll:

Q. And then you talked about the weather and were arrested?

A. Yes, sir.

Charles Dittel, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? A. Fifty-eight East Fourth street.

Q. What is your business? A. Barber.

Q. Were you employed by Lewis Appel last fall? A. Yes, sir.

Q. Where is your shop? A. Three hundred East Fifth street.

Q. Was that in the district where Mr. Kempner was running for the Assembly? A. Yes, sir.

Q. Did Mr. Appel have one of Mr. Kempner's lithographs in his window? A. Yes, sir.

Q. Was that taken down at any time? A. It was taken out, yes, sir.

Q. How long before election was that taken out? A. Three or four weeks—no; about two weeks before election.

Q. Were you there when it was taken down? A. Yes, sir; I was inside the shop.

Q. Did you see what happened prior to that time? A. No; I don't remember exactly; I was busy at that time.

Q. Did you see some man come and talk with anyone there? A. I saw one man come and talk to the other man, the other workman, who worked on the second chair, who was not busy, and he had a conversation with him, but what the conversation was about I don't know, but the bill was taken out, but who took the bill out I can't say.

Q. How long before the bill was taken out was the conversation? A. Right in the meantime.

Q. You mean right off? A. Yes, sir; right away.

(Cross-examination waived.)

Christian Goit, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Three hundred and seventeen East Fifth street.

Q. What is your business? A. Bartender.

Q. For whom? A. My father.

Q. Is that in the Assembly district where Mr. Kempner was running for office last fall? A. Yes, sir.

Q. Did you have Mr. Kempner's picture in your window last fall? **A.** Yes, sir.

Q. Did anybody come in there to see you about having it taken out? **A.** No; they did not come; they called me outside.

Q. Who was it? **A.** I can not say; he said he was an official, and he asked me to take down the portrait.

Q. To take down the portrait of Mr. Kempner? **A.** Yes, sir.

By Chairman Lexow:

Q. Was he a policeman? **A.** No, sir; he was in citizen's clothes, but he said he was an official.

By Mr. Sutherland:

Q. He told you that he was an official? **A.** Yes, sir.

Q. Did he give any reason for wanting it taken down? **A.** No, sir; not at all.

Q. What did you do about it? **A.** I took them all down.

Q. Did you hear anything about it after that? **A.** No, sir; not until I was subpoenaed here.

(Cross-examination waived.)

Frank S. Scavetta, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Nicoll:

Q. Where do you live? **A.** In Fifth street.

Q. What is your business? **A.** Barber.

Q. Where was your shop last fall? **A.** Three hundred and forty-seven East Fifth street.

Q. Was that in the district where Mr. Kempner was running for the Assembly? **A.** Yes, sir.

Q. Did you have his pictures in your window? **A.** Yes, sir; I did.

Q. Up to what time? **A.** I do not remember.

Q. A little while before election? **A.** Yes, sir.

Q. Then did you take them down? **A.** Yes, sir.

Q. What for? **A.** Two men came to my place and said, "Take down that picture."

Q. Two men came and said you must take it down? **A.** Yes, sir.

Q. Did you know the men? **A.** No, sir.

Q. Did they tell you who they were? **A.** No, sir.

Q. Did he give any reason why you should take it down? **A.** He says, "Take them out."

Q. Did he give you any reason? **A.** No, sir.

- Q. Did you ever see the man before that or after? A. No, sir.
 Q. Did they say that they had any official position? A. No, sir.
 Q. Did they tell you who sent them there? A. No, sir.
 They just told you to take them down? A. Yes, sir.
 Q. And then you took them down? A. Yes, sir.

By Chairman Lexow:

- Q. Were they policemen? A. I do not know; two men came to my place and said, "Take that portrait down."
 Q. Did they have shields on? A. No, sir.
 Q. Had you ever seen them before? A. No, sir.
 Q. Have you ever seen them since? A. No, sir; that was the first time I saw them.

By Senator Bradley:

- Q. Did anyone ever tell you who they were? A. No, sir; they said, "Take down that portrait."
 Q. And you took them down? A. Yes, sir.
 Q. Why did you take them down? A. I don't know.
 Q. Have you got a barber pole outside of your door? A. Yes, sir.
 Q. Suppose two men came in and told you to take down your barber pole, would you do that? A. I don't know anything about that business.
 Q. Speak right out; did you know who those two men were? A. No, sir.
 Q. Well, answer my question; supposing two men came there, Senator Lexow and myself, or Senator O'Connor and myself came in there, and said you must take down your barber pole, would you take it down? A. That is another thing.

By Chairman Lexow:

- Q. Did you think they were policemen? A. I don't know.
 Q. Did you think they were? A. I thought so, but I didn't know.

Proceedings of the eighth meeting of the committee, March 31, 1894, at 10 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley and Cuthbert W. Pound.

Appearances same as before.

Thomas L. McClintock, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

- Q. Where do you reside? A. No. 8 Charlton street.
- Q. What is your business? A. Real estate.
- Q. Where did you vote last fall? A. On the east side of Bayard street, between Vandam and Charlton.
- Q. What is the number of the election district? A. The eighth.
- Q. Of what Assembly? A. The Eighth Assembly.
- Q. Did you see any policemen on duty there when you voted?
- A. Yes, sir.
- Q. How many? A. Two.
- Q. How many inside? A. They were both inside the room.
- Q. Do you know the names or numbers of either of them? A. No, sir.
- Q. What time in the day did you vote? A. In the neighborhood of 10 o'clock.
- Q. Were either of the policemen near at hand when you voted?
- A. Yes, sir.
- Q. Tell us what occurred? A. I had gone into the booth and made up my ballots, and brought them out and handed them to the poll clerk, and just as I handed them to him I was touched on the shoulder, and I turned and found it was the policeman. He had a red pencil in his hand, and asked me if I left that pencil in the booth.
- Q. Asked you if you left that pencil in the booth? A. Yes, sir.
- Q. What did you do or say? A. I said no, sir.
- Q. In the meantime, what had become of your ballots? A. They had been taken by the ballot clerk.
- Q. Had they got into the box—taken by the inspector? A. Yes, sir; I presume they had.
- Q. Had they disappeared? A. They had gone.
- Q. You did not see them go into the box? A. No, sir.

By Senator Bradley:

- Q. Did you hand the ballots to the ballot clerk together when you came out of the booth? A. Yes, sir.
- Q. What was the inspector doing then? A. I handed the ballots to the ballot inspector.
- Q. You mean you handed your ballots to the inspector? A. Yes, sir.

By Chairman Lexow:

- Q. And before you saw the inspector drop the ballots into the box, you were touched on the shoulder? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What is your business? **A.** Real estate office.

Q. With what concern? **A.** Frederick A. Booth.

Q. Frederick A. Booth? **A.** Yes, sir.

Q. Where is their place of business? **A.** Nineteen East Sixteenth street.

Q. Where do you reside? **A.** Eight Charlton street.

Q. How long have you had that residence? **A.** Since July.

Q. Of this year? **A.** Yes, sir.

Q. Prior to that date where did you reside? **A.** One thousand nine hundred and eighty-eight Lexington avenue.

Q. That is between what streets? **A.** Between One Hundred and Twenty-first street and One Hundred and Twenty-second street.

Q. How long did you live there? **A.** Two years and a half.

Q. Were you a member of the Republican organization in that district? **A.** No, sir.

Q. When you left your residence in Lexington avenue and went to Charlton street, did you attach yourself to any political organization? **A.** No, sir.

Q. Or have you been a member of any political organization at any time? **A.** No, sir.

Q. No time? **A.** No, sir.

Q. In politics, I understood you to say, however, you were a Republican?

Senator Bradley.—The question was not asked him at all.

Q. What are your politics? **A.** I generally follow the Republican ticket; I vote for the man though as much as I can.

Q. I beg your pardon? **A.** I do not follow the Republican ticket.

Q. That is, upon national questions? **A.** Yes, sir.

Q. And upon questions of national policy you are attached to the Republican party? **A.** Yes, sir.

Q. But in local or municipal matters you vote for the best man, according as you understand it? **A.** As I think.

Q. How long have you been with Mr. Booth? **A.** I am a little over two years.

Q. What was your occupation prior to that time? **A.** I was with Richard A. Brude, corset business.

Q. In the corset business? **A.** Yes, sir.

Q. In what capacity? **A.** I had charge of his New York office.

Q. Was he a foreign manufacturer of corsets? **A.** He imported corsets; yes, sir.

Q. He did what? **A.** He imported corsets, and made his own corsets also.

- Q. You had charge of his office in the city? A. Yes, sir.
- Q. Where was that? A. Four hundred and twenty Broadway.
- Q. And how long were you with him? A. I was with him about three years.
- Q. About three years? A. Yes, sir.
- Q. Are you a native of this city? A. Yes, sir.
- Q. And you were educated in the schools here? A. Yes, sir.
- Q. In the public schools? A. Yes, sir.
- Q. Now, what time did you reach the polls on the morning of the election? A. About 10 o'clock, in that neighborhood, from 10 to 11.
- Q. About 10 o'clock? A. Yes, sir.
- Q. Were you alone, or did someone accompany you? A. I was alone.
- Q. Did you get your ballot in the usual way from the ballot clerk? A. Yes, sir.
- Q. And go into the booth by yourself? A. Yes, sir.
- Q. And filed your ballots in the usual way? A. Yes, sir.
- Q. And then did you proceed with your ballots to the table in front of the inspectors upon which the ballot-boxes rest? A. Yes, sir.
- Q. Now, tell us over again, what you say happened there? A. I handed my ballots to the inspector, and just as I did so, I was tapped on the shoulder, and I turned to see who tapped me and the policeman held a pencil before my eyes, and asked me if I had left that in the booth, and in the meantime the ballots had gone.
- Q. In the meantime the ballots had been deposited; now, before the time that you were tapped on the shoulder, had the ballots been placed on the different boxes? A. No, sir.
- Q. By the inspector? A. No, sir.
- Q. What was the inspector doing with the ballots at the time you were tapped? A. He had them in his hand the last I saw them.
- Q. He had them in his hand? A. Yes, sir; just taking them as I was tapped and turned.
- Q. Was he in the act of tearing off the stub? A. Not that I can remember; no, sir.
- Q. Not as you can remember? A. No, sir.
- Q. Is it all you remember, the inspector had the ballots in his hands, when you were tapped? A. Yes, sir.
- Q. And you turned back, didn't you? A. Yes, sir.
- Q. Do you mean to say before you turned back the inspector had distributed and deposited those ballots? A. As I thought he had; they had gone.

Q. You think that the inspector was so agile that in just the twinkling of an eye and the turn of the head he could deposit a number of ballots in the different boxes? A. I do not see how he could.

Q. How? A. I do not see how he could.

Q. He would have to be unusually expert to be able to do that, would he not, because it was only a second or probably a second and a half in which your eyes were diverted from the boxes, wasn't it; it was just the turn of the head and back? A. I would not say as to that.

Q. Was it not a very short and insignificant period of time; was there any more than the turn of the head as you were tapped and turned back? A. It was time enough for the ballots to disappear; I don't know.

Q. Do you mean to say that you kept your head averted for a minute, or a half a minute? A. It could readily be a half a minute, I should judge.

Q. Half a minute; you turned your head one side for half a minute? A. Yes, sir; I answered the question.

Q. The only answer you gave to the question was "No," was it not? A. That was all the answer I gave.

Q. Was there any further conversation between you and the officer? A. No, sir.

Q. Except the officer said, "Did you leave this pencil," and you said "No;" that is all there was to it? A. That is all.

Q. You want us to believe that in that small fraction of time the inspector who held your ballots in his hands succeeded in depositing them in the ballot-boxes against your will; you want us to believe that?

Chairman Lexow.—He did not say that, Mr. Nicoll; he simply said the ballots disappeared; he did not say they were deposited.

Q. Well, I asked him; that is the implication from his testimony.

Chairman Lexow.—No; I do not think he has given testimony from which any such conclusion could be drawn. He simply says the ballots disappeared. The inference might be drawn that they were under the table; that is the quickest way they could disappear.

Mr. Sutherland.—It is the same incident as that shown by two other witnesses in some cases. It was the red pencil, and in each case it was the tapping on the shoulder by the policeman, and it was at the identical moment when the ballots had passed from the minds of the voter.

Mr. Nicoll.—I wish to say that the inference you desire to draw from this testimony is that the police officer was in combination with the inspectors.

Mr. Sutherland.—Yes, sir.

Mr. Nicoll.—For the purpose of defeating the will of the voter.

Mr. Sutherland.—Exactly; and the will of all the voters there except those that voted with him.

Mr. Nicoll.—I asked him whether or not he inferred under those circumstances; isn't that a proper question?

Mr. Sutherland.—I submit the inference of the witness are not so valuable as the facts; we have the facts.

By Mr. Nicoll:

Q. Do you desire us to believe that conclusion? A. It would be a very natural conclusion, considering the action of the officer; my private opinion is that it was so.

Q. If you had left a pencil in the box, it would not be very extraordinary for the officer to ask you whether you had left a pencil there, would it? A. At first sight on the moment, it did not; but when we consider it, it does; the officer has no right, as I understand, to interrupt the voter after the votes leave him.

Q. You closed the door when you came out? A. No; it swings to.

Q. If you left anything there, it was the duty of the officer to protect it, wasn't it; I say, it would be the duty of the officer to collect anything left in the box if it was of any value? A. Yes; if it was of any value; not a penny pencil.

Q. Or any property, whatever it might be, of whatever value, belonging to any voter? A. If there was any length of time between my leaving it, it might; it was immediately after I left the booth; it was about four steps.

Q. Did you entertain the opinion then, at that moment, that you, as a voter, had been defeated by the action of the officer? A. Not until two hours after; no, sir; not at that moment.

Q. You didn't at that moment? A. No, sir.

Q. It took you two hours after that time before you came to that conclusion; I say, it took you two hours before you were able to come to that conclusion? A. After I had heard one or two others had been treated the same way; yes, sir.

Q. Then you came to the conclusion that your will had been defeated? A. Yes, sir.

Q. Then to whom did you make complaint that you had been denied the right of suffrage at this election by the combination of the officers and inspectors? A. To the grand jury.

Q. Did they indict them? A. Yes, sir.

Q. The inspectors? A. Yes, sir.

Q. Were they tried? A. They were not, as far as I know.

Q. The indictments were dismissed? A. They were dismissed.

Q. That is, they were indicted — inspectors were indicted by the December grand jury — the special grand jury? A. Yes, sir.

Q. And they were tried in the oyer and terminer in February, and dismissed by that court, were they, those indictments? A. They were not brought to trial, I believe; some of them.

Q. What were the names of the cases? A. I don't remember.

Q. Don't you recollect the names of the inspectors? A. No, sir.

Q. Was the officer indicted? A. No, sir.

Q. Did you tell the grand jury this story in regard to this officer? A. Yes, sir.

Q. They did not indict him? A. Not that I know of.

Q. You would have known that, wouldn't you? A. Most likely.

Q. They did not indict him, but they did indict the inspectors? A. Yes, sir.

Q. On your evidence, on the charge of defrauding you of your vote? A. I hardly know whether it was on my particular evidence; it was mine along with the others.

James J. Martin, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. One hundred and thirty-two West Forty-eighth street.

Q. What is your business at present? A. Police commissioner.

Q. Of the city of New York? A. Yes, sir.

Q. And president of the board? A. President of the board.

Q. How long have you been a police commissioner? A. Since May, 1889.

Q. And since what date have you been president of the board?

A. Since about the 1st of March, 1892.

Q. 1892; has the personnel of the board of commissioners changed since you were appointed a commissioner? A. Yes, sir.

Q. Who went out and who came in, and when? A. I think Commissioner Voorhis went out, about just previous to the time I was elected president, and Commissioner Sheehan was appointed in his place.

Q. There has been no other change except that? A. That is the only change.

Q. Then the board of police commissioners, as now constituted, is the same, with the exception of the substitution of Sheehan

for Voorhees, that it has been during your entire connection with the board? A. Yes, sir.

Q. And who are the present commissioners? A. Commissioner McClave, Commissioner McLean, Commissioner Sheehan and myself.

Q. How long has Mr. McClave been a member of the board? A. Well, he was a member of the board before I was appointed; I could not say how many years before.

Q. And can you tell any more definitely about the length of service of Commissioner McLean? A. He was also a commissioner before I was appointed; quite a number of years then.

Q. You don't know how many years either of them was before you came in? A. I could not say as to that.

Q. What was your business before you were appointed a police commissioner? A. I was deputy register of the city of New York.

Q. For how long? A. Between two and three years.

Q. Is that a salaried office? A. Yes, sir.

Q. What is the salary? A. The salary of the deputy register was \$5,000 a year.

Q. What was your business before that? A. I was clerk of the assessment commission; a special commission created by the Legislature.

Q. How long did you hold that position? A. About six years.

Q. Is that a salaried office? A. That is a salaried office; yes, sir.

Q. What was the amount of it? A. The salaried office, I think, was, in the beginning, \$2,500, and afterward was increased to \$3,000.

Q. What position did you hold before that? A. I was clerk in the finance department.

Q. For how long? A. Six or seven years.

Q. What was the salary attached to that office? A. Well, it varied at different times; I think the time I was secretary of the assessment commission, or clerk of the assessment commissioner, I think my salary was about \$1,700, or \$1,800 a year; I forget which.

Q. And it ran from that up to what? A. It ran from that down to about a thousand dollars, I think; when I went there it was increased from time to time.

Q. The figure you first gave was the larger amount? A. Yes, sir.

Q. What office did you hold before that? A. That carries me back to 1873, I think, when I began in the finance department.

Q. That was 21 years ago? A. I think previous to that I was clerk in the board of aldermen for one year.

Q. What is the salary connected with that position? A. I think the salary at that time was \$3,000 during the year 1872.

Q. And what position did you hold prior to that? A. Well, I had nothing special for a year or two previous to that, a year, a year or more previous to that.

Q. What business were you engaged in then? A. I was not engaged in any business at that time.

Q. What position, if any, did you hold prior to that? A. I was employed at the headquarters of the department of the east military employment.

Q. Whereabouts? A. In this city.

Q. In this city? A. Yes, sir.

Q. That is, United States military forces? A. Yes, sir.

Q. In what capacity were you employed there? A. As a clerk.

Q. In what department? A. The Adjutant-General's office.

Q. How long were you such clerk? A. From 1866, I think, up to about 1870.

Q. And from 1870 to 1872, you had no special occupation? A. No special occupation.

Q. What position did you hold prior to 1866? A. Well, I had been a soldier during the war.

Q. In what rank? A. Private.

Q. Enlisting when and discharged when? A. Enlisting in 1862; discharged at the close of the war in 1865.

Q. Prior to 1862, what was your business? A. I was a clerk in a law office.

Q. For how long? A. Three or four years.

Q. In whose office? A. In the office of Coddington Brothers, 17 Wall street.

Q. That brings you back to 1858? A. Yes, sir.

Q. How old were you then? A. About 12 years of age.

Q. And you were 18 in 1862? A. Yes, sir.

Q. When you enlisted? A. No, sir; I was 16.

Q. You enlisted at 16? A. Yes, sir.

By Chairman Lexow:

Q. What was the salary in connection with the military appointment? A. Well, there were certain allowances, for persons engaged in that capacity, and it amounted, as near as I can recollect now, to about \$75 a month; it might be a little more than that.

By Mr. Sutherland:

Q. After you left the department of the east, and before you

entered the employ of the city government, how did you occupy your time for a couple of years? A. Well, I think I was employed temporarily during the year 1871; I think I was employed temporarily in the department of public works, in a clerical capacity for a short time.

Q. How else were you employed during that time? A. I was not otherwise employed during that time.

Q. You were entirely idle during that time? A. I was looking for employment.

Q. Well, of course, since you entered the police commission you have had occasion to familiarize yourself with the duties of the office? A. Yes, sir; somewhat.

Q. I assume that you were not familiar with those duties before you were appointed a commissioner? A. Only in a general way.

Q. From the history you have given us of your employment previous to that time, it must be assumed that you had no knowledge beyond that which the ordinary citizens have?

Mr. Nicoll.—Why must it be assumed?

Mr. Sutherland.—I ask the witness whether it is true?

A. I had some general knowledge, yes, sir; I was in the finance department for a great many years, and was very familiar with the city government generally, and its departments.

Q. You were a clerk in the finance department? A. I was, yes, sir.

Q. On what particular branch—what set of books did you have charge of? A. I was employed under Deputy Comptroller Mr. Storrs, and my duties brought me a great deal in connection with the board of apportionment.

Q. What had that to do with the management of the police force? A. Made the appropriations for the various departments of the city government.

Q. And you knew then in advance of the recommendations of the board what appropriations they were to request; did you know any more than that about it? A. I did not know that in advance.

Q. What did you know then that the ordinary citizen did not know, on the subject of the management of the police?

Mr. Nicoll.—I think that is too broad.

The Witness.—I had opportunities to learn something.

Chairman Lexow.—I think it is proper for the counsel to elicit the fact whether or not the witness had any special knowledge, in regard to the police force in this city at the time of his appointment.

Mr. Nicoll.—He has proved he has.

Q. Then what did you do after you were appointed; or what steps did you take to familiarize yourself with the duties of the office of police commissioner? **A.** Oh, I made an examination of the affairs of the department in various directions, the statutes bearing upon it, the rules and regulations of the board, and various other matters of that character.

Q. And, of course, since you have been president of the board, it has become necessary for you to familiarize yourself even more minutely with the duties of the position? **A.** I can not say that.

Q. Well, of course, this committee will desire to know the duties of police commissioners? **A.** Yes, sir.

Q. In order that they may intelligently understand the—in order that they may get at the subject of the efficiency of the police department? **A.** I would be glad to tell them all I know about it.

Q. And I assume you must know more about the duties of the police commissioners than any other member of the board; will you please tell the committee what the duties of the police commissioners are.

Mr. Nicoll.—That was all fixed by the statute.

Mr. Sutherland.—Is there any objection?

Mr. Nicoll.—No, sir.

Q. Proceed, Mr. Martin? **A.** The commissioners of police are charged, under the statute, with the administration and discipline of the police force; I suppose the administration of the police force means that we shall tend to all the duties of administration and regulations of appointment of officers of the police, and promotions, transfers, the requesting of appropriations of the finance authorities of the city, the incurring and payment of all debts of the department, as charged under the statute.

Q. Yes? **A.** As charged upon the department.

Q. What else? **A.** The discipline of the department, of course, is in reference to the complaints made against the members of the force, and various breaches of the rules and regulations.

Q. What did the commissioners have to do with those? **A.** The commissioners have the trial of all officers charged with violations.

Q. As prosecutors or as trial court? **A.** As both, probably; it is their duty to get the facts.

Q. As a matter of fact, you do sit, and sit substantially as a court, do you not? **A.** As a matter of fact we do sit, substantially as a court.

Q. And pass judgment upon the truth or falsity of charges against policemen? **A.** Yes, sir.

Q. And after you find them guilty, you pass sentence upon them? A. Yes; we pass sentence upon them.

Q. What other duties are incumbent upon the police commissioners? A. Well, the board is divided up into committees; each committee is charged with the duties of the commission to look after those particular duties.

Q. What committee are you? A. Well, I am, as president of the board, I am chairman of the committee on rules and discipline of the board; all charges against police officers are submitted to me for examination and approval.

Q. In the first instance? A. In the first instance; and being so examined and approved, the officer is placed on trial.

Q. That is to say, if charges are made against a policeman, those charges do not bring him to trial before the board unless you, in the first instance, are satisfied there is sufficient in the charges to call for trial? A. No, sir; I do not examine the evidence; I examine the form of the complaint; I take it on the ground that the complaint is properly made under the rules, and that the evidence will be forthcoming at the trial.

Q. And if the complaint is sufficient in form, it goes before the entire board? A. Yes, sir; it goes before the entire board; or one of the commissioners usually presides at the trial in the first instance; the commissioners rotate, holding the trials once in each week.

Q. You said you were the committee on discipline? A. Yes, sir.

Q. What else did you have to do with discipline besides trial of cases? A. Well, I don't know of anything particular.

Q. I mean as the committee? A. I do not know of anything particular.

Q. The entire board, I assume, formulate rules; don't they? A. Yes.

Q. For the government of the police? A. Yes, sir.

Q. And amend those rules from time to time? A. Yes, sir.

Q. As facts brought before them may show necessity? A. Yes, sir.

Q. Are you charged in the first instance as a member of that committee with introducing proper amendments? A. No, sir.

Q. That does not come under the province of your special committee? A. Not especially; no, sir; any member has a right to propose an amendment to the rules.

Q. What other committee is there besides the committee on discipline? A. Excuse me, if I refer to a memorandum.

Q. Certainly, refer to anything you please? (Witness examines memorandum.)

Mr. Nicoll.—I do not know, Mr. Sutherland, whether you have the last annual report of the department.

Mr. Sutherland.—I think the last annual report is not in print.

Mr. Nicoll.—The last annual report is in print.

Mr. Sutherland.—I have it.

The Witness.—We have the following committees: The committee on election.

Q. And who is that committee? A. Commissioners McClave, Sheehan and McLean.

Q. Now, what does that committee have to do? A. The committee on election have charge of all matters pertaining to elections; that is, the engagement of the various places for holding the registration and election, the fitting up and furnishing the same, the printing, and the ordering and printing of the ballots.

Q. And the distribution of the ballots? A. And the distribution of the ballots.

Q. And the gathering up of the returns? A. No, sir; the returns are sent to—as directed by the statute—to the inspector of election.

Q. Where are they sent? A. I think the statute directs that one of the three copies shall be sent to the bureau of elections, the second copy to the county clerk's office, and the third copy to the clerk of the common council of the board of aldermen.

Q. And the bureau of elections consist of whom? A. The bureau of elections is a bureau under the police department, of which—you mean the committee on elections, of the bureau?

Q. Who constitutes the bureau of elections? A. The bureau of elections is a bureau in our department, in which General Rodenhov is chief of the bureau.

Q. But the police commissioners as a body— A. The police commissioners as a body have nothing to do especially with the bureau of elections; it is under our control; he is our appointee, as the chief of the bureau.

Q. Is that all the committees? A. No, sir.

Q. What is another one? A. Committee on pensions? Commissioners McLean and McClave are that committee; it has all charge of all applications for pensions.

Q. What is the next committee? A. The committee on repairs and supplies.

Q. Who are they? A. Sheehan and McClave.

Q. Who next? A. The committee on discipline, myself and McLean and Sheehan.

Q. Are those all the committees? A. Those are the four committees of the board.

Q. Exactly; Mr. Martin, does any one commissioner have power

to issue orders, or do orders come as the work of the board? **A.** What sort of orders?

Q. Any orders that a police commissioner can issue; orders to the force? **A.** They come as the work of the entire board.

Q. Is that by statute or by any of your regulations? **A.** No; I don't know exactly how to answer that question.

Q. What is the reason they come as the work of the entire board? **A.** Because I do not suppose any one of the commissioners will assume to speak for the board.

Mr. Nicoll.—It is because the statute confers the power on the entire board.

Mr. Sutherland.—I beg your pardon, Mr. Nicoll, I will examine you later.

Chairman Lexow.—I think it was entirely proper, inasmuch as this witness is the president of the board, to ascertain whether he knew the duties of that office.

Mr. Nicoll.—When it comes to a question of law, there is often difference of opinion.

Chairman Lexow.—Yes, sir; but the witness stated on the stand he did not know whether it was a question of regulation of the board, or a question of the statute; as I understand the witness.

The Witness.—Of course the powers of the police department devolve on the police board, and not on an individual.

By Chairman Lexow:

Q. You have these committees for the purpose of convenience? **A.** Yes, sir.

Q. And for the convenience of the board? **A.** Yes, sir.

By Mr. Sutherland:

Q. Now, Mr. Martin, through whom do your orders reach the police force? **A.** Through the superintendent of police.

Q. And why is that; because of any statute or police regulation, or what? **A.** By the police regulation.

Q. And is that regulation for the purpose of giving dignity and importance to the office of superintendent? **A.** He is the executive officer of the police force; the chief executive officer of the police force; and one of our first rules said, all orders to the police force shall be transferred and given by the superintendent.

Q. And the theory is that his position as the commanding officer shall be— **A.** He is in control of the uniform force.

Q. Shall be made more important; is that it; that he may

have greater influence, greater force with the men? A. He is in absolute control.

Q. When was Mr. Byrnes made superintendent? A. I think in April, 1892.

Q. Who was his predecessor? A. Superintendent Murray.

Q. And when did he leave the force? A. Just at that time.

Q. He was sick some time before that? A. He had been ailing for some time.

Q. And there was an acting superintendent for a while? A. Chief Inspector of Police Byrnes was acting as superintendent.

Q. For how long prior to his appointment? A. For nearly a year, I think, thereabouts; as near as I can remember.

Q. And Byrnes was substantially the superintendent for some time before he was actually appointed, was he not? A. Yes, sir.

Q. After Mr. Byrnes was made superintendent, did he manifest some activity, with regard to the violations of the Excise Law? A. I don't remember especially as to that.

Q. Was it not called to your attention by somebody? A. No, sir.

Q. Mr. Byrnes ever take a vacation? A. Yes; he took a vacation in the summer.

Q. Was Inspector Steers a member of the force then? A. Yes, sir.

Q. Did you send for Inspector Steers? A. Yes, sir.

Q. In Mr. Byrnes' absence? A. Yes, sir.

Q. Did you direct him to send for the captain, and give him instructions on the subject of the enforcement of the Excise Law? A. No, sir.

Q. You did not? Had Byrnes been causing the arrest of violators of the Sunday law? A. Yes, sir; the police had, under his direction, I suppose.

Q. Were those arrests greater in number than they had been prior to that? A. I don't remember that, sir; there were quite a large number; it ran into the thousands.

Q. It ran into the thousands, didn't it? A. Yes, sir.

Q. Were those—

Chariman Lexow.—Get the date of this, Mr. Sutherland.

Q. Yes, sir; I will; those arrests commenced immediately after Byrnes' appointment? A. No, sir.

Q. How soon after that? A. They had been running on before his appointment.

Q. I understood you to say soon after his appointment there was an unusual number of arrests? A. No, sir; I did not say so.

Q. Do you know how many arrests were made after Byrnes'

appointment, between the date of Byrnes' appointment and the first day of next January? A. I haven't made any examination.

Q. You don't know from your own recollection? A. No.

Q. But they ran into the thousands? A. Yes, sir; I mean they ran into the thousands in each year.

Q. How many between the date of Byrnes' appointment and the 1st day of January, 1893? A. I should think there must have been in the neighborhood of 3,500 or 3,000 arrests during that time.

Q. Didn't the liquor dealers make a complaint in writing on that subject? A. No, sir.

Q. That summer? A. No, sir.

Q. Did the commissioners make any order on that subject before the 1st day of January, 1893? A. No, sir.

Q. Do you remember the indorsement of an order by the commissioners, on the back of a written complaint, made by the liquor dealers, on the subject of the enforcement of the Excise Law? A. I remember that a committee, I think in 1891—

Q. Oh, no; I mean in 1892? A. No, sir; I do not.

Q. There was no such thing in 1892? A. I don't recollect it.

Q. When was it—in 1891? A. I think in 1891.

Q. What time in 1891? A. I can not answer as to the time; I think it was when Commissioner Voorhees was in the board; I am sure it was.

Q. And he went out when? A. He went out in March, 1892; and before that time, I should think it was the year previous, there was a committee of citizens, not liquor dealers, as I understand it, a committee of citizens that made some representations to the board of police, about what was known as the spy system.

Q. Who constituted that committee? A. I don't recollect the names now; the matter is on file in the department, I think, because Senator Boyd was chairman of the committee—John G. Boyd.

Q. Is there a communication on file? A. A communication is on file; I think it is.

Q. Then it is where you can produce it if it is desired? A. Yes, sir.

Q. Who else were with him? A. Several other persons that I do not now remember; their names appear on the communication, I think.

Q. Do their names appear on the communication? A. I think it does.

Q. You say this communication or complaint was with reference to the spy system? A. Yes, sir.

Q. What spy system? A. The system of police officers being sent out in citizen's clothes.

Q. To do what? A. To spy on the keepers of saloons.

Q. When; spy what times? A. At all times.

Q. At all times? A. Yes.

Q. Somebody objected to that then? A. They objected to it, and gave their reasons for it.

Q. What reasons did they give? A. They said they thought it was injurious to the police force, and that a great many things were done by police officers who were not in uniform that was improper; and substantially said that some of these officers were taking advantage of their opportunities.

Q. What advantage did they complain these officers took? A. Well, they intimated that they were taking money from some of these saloon keepers.

Q. Did they intimate any names of men that were taking money from saloon keepers? A. I don't think they did.

Q. Did they intimate the names of any saloon keepers that were giving up money to them? A. I don't think they did.

Q. They simply indicated in a general way that the policemen were taking advantage of this opportunity to collect money? A. And that this was a bad system.

Q. Bad system — why? A. Because officers in citizen's clothes would do more than in uniform.

Q. They were afraid it would demoralize the police force? A. Yes, sir.

Q. What action did the board take on that communication? A. The board passed a minute on the subject, which is on file.

Q. And in substance is what? A. In substance agreeing with the committee of citizens that this was improper.

Q. And directing the policemen to discontinue visiting these places? A. Yes, sir; that was the effect of it.

Q. Is it not true, Mr. Martin, that before that resolution was adopted by your board, policemen had been directed by somebody, either the police commissioners, or the superintendent, or the inspectors, or the captains, to visit liquer dealers at hours when, by law, they are prohibited from selling? A. I suppose that is so; the directions, whatever they were, were issued by the superintendent, and inspectors and captains, and not by the commissioners.

Q. Not by the commissioners? A. No, sir.

Q. Wasn't it the complaint that these policemen in citizen's clothes were visiting the saloons at hours when, by law, they are required to be closed? A. No, sir; there wasn't any complaint about that; no, sir.

Q. No complaint about that? A. No complaint about that.

Q. Were the arrests that followed the visits of these citizens

In citizen's clothes upon the charge that the saloon keeper was selling liquor at an hour when the law forbid it? A. In some cases; yes.

Q. Wasn't it so in all of them? A. No, sir; it was not; that is, I am speaking now from information, not from any positive knowledge.

Q. What other charges did you understand? A. I understood in a great many cases the charges made that arrests of that character were for exposure, not the selling.

Q. Oh, for the exposure? A. For exposure.

Q. There is no law against exposing a bottle of whisky, is there? A. I think the courts have so held, and discharged the persons arrested in these cases.

Q. There is no law against the exposure of liquors at such hours that the law permits them to be sold, is there? A. No, sir.

Q. And the charge in these cases was that they were exposing for sale when the law forbids the sale? A. I suppose that is so.

Q. So in every one of these cases, the charge was against the conduct of the saloon at an unlawful hour, wasn't it? A. Yes, sir.

Q. And these citizens—not liquor dealers—who came to see you, complained that the police ought not to do that; did they? A. No, sir; they did not.

Q. What did they complain of? A. They complained about the actions of the persons—of police officers while in citizen's clothes.

Q. Going into these places? A. There was no complaint about arrests for keeping open at illegal hours.

Q. Didn't they complain because these policemen went into the saloons at hours when the law said they should be closed? A. No, sir; they did not.

Q. But the arrests were for those charges? A. The probability is they were.

Q. And the police board of commissioners adopted a resolution directing the policemen to discontinue? A. No, sir; we did not go so far as that; we said in our opinion we believed it was improper.

Q. Why did you believe it was improper? A. Because the board thought that there were opportunities for police officers while in citizen's clothes to do many things that were improper.

Q. What things? A. Taking money from liquor dealers and other people.

Q. You have mentioned that; what else? A. That mainly.

Q. Were you afraid the officers would indulge in intoxicating liquors? A. Yes, sir; we were also.

Q. Was that one of the reasons why you discontinued it? A. Yes, sir.

Q. Is there a rule in your list of regulations against the indulging by policemen to any extent in intoxicating liquors? A. Yes, sir.

Q. You sometimes fined a policeman for getting intoxicated? A. We did — we usually dismiss them.

Q. You regard it as essential to the discipline of the force that the men should be sober? A. Very essential.

By Chairman Lexow:

Q. Just let me ask you a question? Do you mean to be understood that the committee of citizens waited upon the police commissioners, out of sympathy for the police force, and not out of sympathy for the liquor dealers? A. I can not answer that; the communication speaks for itself, and it is on file, and can be found.

Q. You said the particular reason was the going into saloons by police in citizen's clothes was injurious to the police force? A. I said that is the view the board of police took of it.

Q. Was that the view the committee took of it? A. That is the view I took of it.

Q. Did they make that representation to you? A. I don't recollect exactly the representation they made, it is so long time ago; the communication is there, and I have not seen it for a number of years; it is on file.

By Senator Bradley:

Q. This committee did not go there to represent themselves as liquor dealers? A. No, sir; they had some other title; I don't now recollect.

By Mr. Sutherland:

Q. Weren't they a committee of the Citizens' Association of the city of New York? A. I don't remember just what they called themselves.

Q. Isn't that the local branch of the State Liquor Dealers' Association? A. No; it was not any branch of the Liquor Dealers' Association.

Q. Now, are you sure you did not send for Inspector Steers in that connection? A. At that time?

Q. In that connection; either before or after that visit? A. For what purpose?

Q. For the purpose of getting instructions about the manner in which the Excise Law should be enforced? A. No, sir.

Q. Did you instruct Inspector Steers to send for the captains and talk with them? A. No, sir.

Q. Did Inspector Steers send for the captains and talk to them? A. I don't know what he did.

Q. Isn't that a matter of record in your office? A. It ought to be; yes, sir.

Q. It is a fact, is it now? A. If he sent for them it is, yes, sir; it is a matter of record.

Q. And you say you never gave any orders to Steers on that subject? A. On the enforcement of the Excise Law?

Q. Yes. A. No, sir.

Q. Did you ever give Mr. Steers personally any orders at all? A. Yes, sir.

Q. How many times? A. Once.

Q. When? A. I think it was sometime in 1892; I don't recollect exactly the date.

Q. While Mr. Byrnes was away? A. Mr. Byrnes was away as it happened; he was away at the time — on a Saturday.

Q. On a Saturday; that is quite right; Saturday is the day before Sunday, is it not? A. I think it is.

Q. Did Mr. Steers come here? A. Mr. Steers was in command at the time.

Q. What orders did you give him? A. I said to Inspector Steers that I understood the captains were sending a great many of their men out in citizen's clothes.

Q. Yes? A. And that I desired he should call the attention of the captains to the minute adopted by the board of police at the time I mention; in 1891, I think it was.

Q. Yes? A. That is all I said to him.

The Chairman.— Fix the date, Mr. Sutherland.

The Witness.— I think it was 1892.

Q. It was in 1892, and after Mr. Byrnes had been appointed, and one day when he was absent? A. Yes, sir; I think it was in the summer.

Q. Not a long time after Mr. Byrnes was appointed? A. I do not think it was a long time; he was appointed in April, and I think it was in June.

Q. You are getting quite close to the date, I guess? A. I am trying to tell you as near as I can recollect.

Q. Did you ask him to send for the captains and communicate this information to them? A. I told him I thought he ought to send a communication to the captains; I thought he would send it instead of sending for the captains.

- Q. You don't know personally which he did? A. I do not.
- Q. Mr. Byrnes was superintendent? A. Yes, sir.
- Q. Why didn't you send the order through him? A. I came to talk to Superintendent Byrnes and see what he did; I said to Inspector Steers—I found Superintendent Byrnes was absent for the day without my knowledge—the first knowledge I had of it.
- Q. Why didn't you wait until he got back? A. I did not think it was necessary; I would have said the same thing to him.
- Q. He was superintendent? A. Yes, sir.
- Q. Why didn't you wait until Byrnes got back? A. I did not know there was any necessity for it.
- Q. Were you in haste because the next day was Sunday? A. Not at all.
- Q. This interview occurred on Saturday? A. Yes, sir; I expected to find Superintendent Byrnes when I went there.
- Q. How did it happen you went to call Mr. Steers' attention to this? A. I found him in command.
- Q. How did it happen you went there at all on that errand? A. I am there every day.
- Q. What sent you there on that particular errand on that day? A. My attention was called to the fact that the captains were sending the men out in citizen's clothes in more than the ordinary number.
- Q. You heard that through this committee? A. No; that was a long time before.
- Q. This was before the committee came? A. Yes, sir.
- Q. From whom did you hear this interesting information? A. I do not recollect; it was general information.
- Q. It was of sufficient importance for you to act upon at once? A. Yes, sir.
- Q. And you could not wait until Monday? A. Yes, sir; I could have waited until Monday.
- Q. But it was of such importance that you concluded not to wait? A. I thought that was the time to go.
- Q. Didn't the personal appearance of the one who gave you the information make any impression on your mind? A. No, it did not.
- Q. And you are utterly unable to remember who he was? A. Yes, sir.
- Q. Was it more than one individual? A. I think I heard it from several individuals.
- Q. How did you hear it? A. Casually on the street, I think.
- Q. And from this casual talk on the street, you went to Inspector Steers? A. To Inspector Steers; yes, sir.

Chairman Lexow.— You have not fixed the date yet, Mr. Sutherland.

Q. It was the month of June, 1892, and on Saturday; there are but four Saturdays in that month? **A.** Yes, sir.

Q. With whom had you consulted about issuing this command to Inspector Steers before you gave it out? **A.** I did not consult with anyone.

Q. Not with your associates on the police board? **A.** No, sir; they were not there.

Q. You have a regulation, don't you, that the commands which go to the superintendent must emanate from the entire board? **A.** Yes, sir.

Q. Were you delegated by the entire board to give this order? **A.** No, sir.

Q. Was your action a violation of the police regulation? **A.** I don't so regard it; this order had been sent to the superintendent when it was voted.

Q. I understood you to say this was before the communication from the citizens' committee? **A.** What is that?

Q. Didn't you say a moment ago that this incident occurred before the communication? **A.** I certainly did not; no, sir.

Q. You did not say so? **A.** I did not; I said this citizens' communication came to us in 1891, and this minute or order of the board was on the subject as voted at that time; it was then sent to the superintendent; this matter of communication to Inspector Steers occurred in June, 1892, as near as I can fix it.

By Chairman Lexow:

Q. You did state this occurred previous to the meeting of the citizens' committee? **A.** Which citizens' committee?

Q. Of 1891? **A.** I certainly did not.

By Mr. Sutherland:

Q. You did not understand it? **A.** No, sir; I did not.

Chairman Lexow.— You are on record. That is the statement that has gone down.

Mr. Nicoll.— Whatever the stenographer says I will accept.

The Witness.— I did not intend to make that statement. The citizens' committee was before the board of police in 1891, and the minute was adopted at that time, and sent to Superintendent Murray.

By Mr. Nicoll:

Q. You say, if we correctly understood you, that you misspoke yourself? **A.** I did misspeak myself, if I said that.

By Mr. Sutherland:

Q. We all make these slips, you know; only we should try to

understand each other clearly, that is all; then, at the time you call for Acting Superintendent Steers, you knew of other complaints on this subject besides those you have received casually on the street; and you had in mind this written complaint on file with the board, hadn't you? A. Yes, sir; of course I had.

Q. Now, did you, in adopting this resolution of the board, with regard to the visit of the police in citizen's dress, act upon any other information, or have any other reason than the information and the reasons presented by this committee? A. No, sir.

Q. And when you went to Mr. Steers in June of the following year, were you moved by any other reason except the resolution adopted by your board the previous year? A. My attention had been called, as I say, to some men being sent out in citizen's clothes, about that time; and I thought it was the proper thing to do; I thought it was a bad thing, for the reason that I had voted for this minute in 1891.

Q. What had occurred between the adoption of this resolution by the board and this meeting with Steers which led to the police officers going out in citizen's clothes? A. Nothing that I know of.

Q. Nothing you know of? A. No, sir.

Q. Did you know that Superintendent Byrnes read to the captains the order or the resolution which you had adopted? A. I do not.

Q. How? A. I do not.

Q. Did you know he had told them they must nevertheless stop the violation of that law? A. No, sir; I do not.

Q. Do you understand that he was, himself, sending men out in citizen's dress to learn whether the law was violated or not? A. No, sir; I do not.

Q. Who did you suppose was sending these policemen out? A. I supposed it was the captains of the precincts.

Q. Of their own motion? A. Yes.

Q. What captains? A. All the captains.

Q. All the captains? A. Yes, sir; I suppose so.

Q. And you wanted to put a stop to that practice on the part of the captains? A. Yes, sir.

Q. Without consulting any of your associates you told Mr. Steers to send for the captains? A. I did not.

Q. Or communicate to them? A. I told him I thought he should call their attention to that order of the board.

Q. Did you understand he did? A. I think he did from what I heard afterward; I don't know what effect it had.

Q. You don't know what effect it had? A. No, sir.

Q. Did you ever talk to the superintendent about it? A. I had some talk with him the following Monday.

Q. Where was that? A. In his office.

Q. What was that talk? **A.** We had some explanations as to why I had spoken to Steers; I told him I came there to see him on the subject, but unfortunately he was away for the day, and that I spoke to the acting superintendent as I had intended to speak to him.

Q. Did you tell him why you did not wait until Monday? **A.** No, sir; that is the explanation I made; and he seemed to be satisfied with it.

Q. I did not ask about that; did you tell him that you knew he was going to be back on Monday; that your visit was on Saturday? **A.** I understood he was only away for Saturday.

Q. And you did not give him any explanation of your reason for acting before his return? **A.** No, sir.

Q. Are you a member of the general committee of Tammany Hall? **A.** I am; yes, sir.

Q. How long have you been a member of that committee? **A.** A great many years.

Q. In what Assembly district do you reside? **A.** Twenty-first Assembly district.

Q. Are you the recognized district leader of Tammany Hall for that district? **A.** I think that is what they call it.

Q. How long have you occupied that position? **A.** Quite a number of years.

Q. You say that is what they call it; what do you call it? **A.** I am a member of the executive committee.

Q. For what Assembly district? **A.** For that Assembly district.

Q. Is there a member of the general committee for each Assembly district of the city? **A.** There was; there are two this year.

Q. Each district has a representative on the executive committee; is that it? **A.** Yes, sir.

Q. The member of that district is called the Tammany Hall leader in that Assembly district? **A.** Yes, sir.

Q. And that is the position you occupy in the Twenty-first? **A.** Yes, sir.

Q. And that is the position you have occupied for how many years? **A.** Six or eight years.

Q. All the while you have been police commissioner? **A.** And before it.

Q. What are the duties of the members of the executive committee, so far as relates to the district?

Mr. Nicoll.—One moment; **Mr. Chairman,** is there any reason for going into that question as to the duties of the general executive committee of a political order?

Chairman Lexow.—It seems to me if the duties of the district leader in any way menace the duties of the political official it is a very proper subject of inquiry: If there is any conflict between the two offices. It may be a man can not be police commissioner at the same time he acts as district leader.

Mr. Sutherland.—I will come to that later.

Mr. Nicoll.—In that view it seems proper.

Q. Now, Mr. Martin, I do not care to go into what you do in Tammany Hall; that is a matter that does not concern us; but what did you have to do in the Assembly district in your position as district leader; what are your duties there? **A.** Well, I suppose he conducts the local organization more than any other member.

Q. Anything else? **A.** Nothing special.

Q. Do you have to select the captains for each election district?
A. At election times; yes, sir.

Q. That means once every year, does it not? **A.** It means once each year; yes, sir.

Q. How long in advance of election day are these captains selected? **A.** Well, in the Twenty-first district usually within a month of election.

Q. And you not only have to select them, but give them your instructions, don't you? **A.** Well, there are very little instructions.

Q. But what they are you give them; don't you? **A.** Yes, sir.

Q. And you are held responsible for the efficiency of their work, are you not? **A.** I suppose so; to a certain extent.

Q. As district leader, do you not have charge of the disposition or distribution of patronage? **A.** Yes, sir.

Q. Is it not true that all patronage coming from Tammany Hall or all applications for office coming to Tammany Hall, are referred to you as leader in that district? **A.** Yes, sir.

Q. Is it not true that as district leader you are required to obtain places for men in your district? **A.** Yes, sir; to some extent.

Q. Those that seek positions from your district come to you?
A. To some extent.

Q. You are the authorized channel through whom their wishes are communicated to Tammany Hall, are you not? **A.** Not entirely; but mainly so.

Q. Mr. Martin, as the district leader in the Twenty-first Assembly district, are you the head of that organization called, for short, a club? **A.** No, sir.

Q. You have no club in that district? **A.** No, sir.

Q. No social club? **A.** No, sir.

- Q. Is your district an exception? A. Well, there are others.
- Q. There are others? A. Yes, sir.
- Q. Is it not true that there is a club in every Assembly district in the city? A. I don't know that.
- Q. You don't know that; is justice Barney Martin your brother? A. Yes, sir.
- Q. What district does he live in? A. In the Eighth Assembly district.
- Q. Is he the district leader of Tammany Hall in that district? A. He is; yes, sir.
- Q. Does he have a club? A. I think so.
- Q. What is the name of it? A. The Iroquois Club.
- Q. Is he the president of it? A. No, sir; I don't think so.
- Q. Do you know the Pequod Club? A. I have heard of it.
- Q. Where is that? A. It is on the west side of the city.
- Q. In what Assembly district? A. I think the Thirteenth Assembly district.
- Q. Who is the district leader there? A. My colleague, Mr. Sheehan.
- Q. Mr. John C. Sheehan? A. Yes, sir.
- Q. Is he the president of the club? A. I do not know that.
- Q. You say you have no club in your district? A. No, sir.
- Q. Have you ever visited Commissioner Sheehan's club? A. Yes, sir.
- Q. Found policemen there? A. No, sir; never.
- Q. Never saw one there? A. No, sir.
- Q. Are there any policemen that belong to that club? A. I can not answer that.
- Q. Have you ever seen the list of names? A. No, sir.
- Q. Ever visited your brother's club? A. Yes, sir; I have been there, yes sir.
- Q. Ever seen a policeman there? A. No, sir.
- Q. Ever see the list of names? A. No, sir.
- Q. Don't know whether any policemen belong to that or not? A. No, sir; I do not know.
- Q. Do you know whether any member of the police force in the city of New York is a member of any one of these district clubs? A. I don't know anything about it; if they were, I don't think there is any harm in it.
- Q. You say you visited these clubs? A. Yes, sir.
- Q. Did you have a side bar there? A. No, sir.
- Q. Sell liquor there? A. Well, I did not see any liquor sold; no, sir.
- Q. See any drink there? A. I was there one night at the Pequod Club; I think there was a reception there, and there was refreshments at different places in the clubhouse.

Q. How many times have you ever visited the Pequot Club?

A. I think I was there once; and I am not sure but twice; but I am not clear about it.

Q. Haven't you been there except on the reception? **A.** No, sir.

Q. How many times have you visited your brother's club? **A.** I think I have been there twice.

Q. No reception there? **A.** No, sir.

Q. Did you see any liquor drank there? **A.** I think I called there to see my brother, to find him.

Q. I want to know if any liquors were drank there? **A.** I do not recollect any, sir; they probably have liquors there, though, as they do in all other clubs.

Q. Is it not true that in all these district clubs liquor is sold to the members? **A.** Probably so; they do in the Union League.

Q. Are you a member in the Union League? **A.** No, sir.

Q. Is there card-playing going on there? **A.** Probably so.

Q. Do you know whether any of these district clubs have a license? **A.** I don't know anything about it, sir.

Q. Did you ever hear they had? **A.** I never thought anything about it.

Q. Now, if you should learn that policemen belonged to these clubs, and visit them, and play cards, and drink liquors, bought at that bar, would you consider that their conduct was detrimental to the efficiency of the police? **A.** If carried to excess, yes.

Chairman Lexow.—What is the answer?

Mr. Sutherland.—“If carried to excess, yes.”

Q. You say you have never heard of any circumstances of that sort? **A.** No, sir; I never have.

Q. As the Tammany Hall leader in your district, you are held responsible by Tammany Hall for the results on election day, are you not? **A.** Well, I suppose to some extent; it is a pretty hard district to hold anybody responsible for.

Q. I have no doubt, sir; but what I want to say is, you are expected to be vigilant? **A.** To do the best I can.

Q. You do the best you can in your district for your party? **A.** Yes, sir.

Q. Do you think a person occupying that position, and having those duties imposed on him, can be fair and impartial police commissioners? **A.** I do; yes, sir.

Q. That is your experience, is it? **A.** Yes, sir.

Q. You never found yourself hampered in the discharge of your duties as police commissioner by any political complications? **A.** Not the slightest.

Q. You make appointments upon the police force? A. Yes, sir; I recommend appointments on the police force; I do not make them, but the board makes them.

Q. But each member of the police board is credited with his share of the appointments, isn't he? A. Yes, sir.

Q. And your share falls to you? A. Yes, sir.

Q. And it is not a smaller share than the others? A. It is just equal to the others.

Q. And when you make these appointments, do you find that your duties as a Tammany Hall district leader ever come into conflict with your duties as police commissioner? A. I do not.

Q. Do you make these appointments upon the request of influential people? A. Yes, sir.

Q. Upon the request of men engaged in politics? A. Yes, sir.

Q. Many of them are political appointments, are they not, pure and simple? A. They might be so regarded — no, sir, these men are all qualified for appointment and have been examined by the civil service and everyone qualified for appointment.

Q. Undoubtedly; there is no question about that; but isn't it true that many of these appointments are made upon the direct recommendation of the police of Tammany Hall? A. No, sir.

Q. Is it not so? A. All things being equal, I accept the recommendation of political friends.

Q. Is it not true, that many of these appointments are made upon the direct recommendation of men influential in Tammany Hall? A. Yes, sir.

Q. Mr. Martin, as district leader, have you ever appointed anybody on the police force? A. Personally?

Q. Yes. A. Yes, sir.

Q. Who? A. I do not now recollect the number.

Q. How many? A. I should think in five years probably 10.

Q. And the same proportion since you became commissioner as before? A. I do not understand you.

Q. You were a district leader before you were a police commissioner, and as district leader you obtained appointments on the police force, as district leader? A. From time to time.

Q. As district leader you undertook to make recommendations to the police force; what I want to know is, whether the recommendations since you became police commissioner are about the same in number as they were prior? A. I must admit they are a little more.

Q. How many more? A. I would say I have probably appointed 10 in all; I suppose before that, in the same length of time, I might have obtained five appointments.

Q. About double that? A. Yes, sir; probably so.

Q. Have any of these men who were recommended to the board by you as district leader been complained against before you, as police commissioner? A. Yes, sir.

Q. How many of them? A. I can't say.

Q. For what offense? A. Various breaches of the rules.

Q. What breaches of the rules? A. I could not answer that; absence from posts.

Q. Didn't you naturally take a particular interest in those gentlemen? A. No, sir; not any more than any other member of the force.

Q. Wouldn't a complaint against them make a deeper impression on your mind? A. No, sir; not a particle.

Q. You are unable to say what particular offense was charged against them? A. I could not say definitely on that subject; I recollect one case.

Q. What was that? A. I recollect one case where a man had been complained of quite frequently.

Q. How many times had he been complained of? A. Quite a number of times.

Q. How many is "quite a number;" 2 or 200? A. I should think 8 or 10 times.

Q. Can you remember some one of those 8 or 10 complaints? A. I was going to say he seemed to be a very bad officer, and finally he was charged with intoxication, and was tried for that offense and was dismissed from the force.

Q. What is his name? A. His name is Beheydt.

Q. When was that? A. Within a year.

Q. Is there another instance of a discharge from the force, from the list of those who were appointed on your recommendation as district leader of Tammany Hall? A. I don't think there is another one; no, sir.

Q. But there are other instances of charges against these men? A. Yes, sir.

Q. How many of them? A. Not a great many.

Q. How many? A. I should think there was charges against probably two or three or four of them.

Q. And how many charges against each one of these three or four? A. I could not answer that.

Q. More than one against each? A. I think so, yes.

Q. Before whom were the charges investigated? A. I could not say; some were before myself.

Q. Now, do you think you could sit as an impartial judge, having recommended one of these men as district leader of your district? A. Yes.

Q. To yourselves as a board of police commissioners? A. Yes, sir.

Q. And then, having received complaint to yourselves as board of police commissioners against this man whom you recom-

mended, as district leader, you think, in that case, you could sit as impartial trial judge? A. Yes, sir; I do.

Q. And that is your idea of the sort of impartiality that ought to be dealt out to the force? A. I was there to do my duty, and was going to do it.

Q. Exactly; Mr. Martin, you are well known to the police force, are you not, throughout the city? A. I think so; yes, sir.

Q. They feel, of course, under more or less obligation to you? A. I don't know that.

Q. They know that you are their superior officer? A. Yes, sir.

Q. That you have the power of appointment, transfer, removal and promotion? A. Yes, sir.

Q. Then they naturally would feel obligated to serve you in any way compatible to their duties, wouldn't they? A. I can't say that; some of them would, I suppose.

Q. They know also that you are the Tammany Hall district leader in your district, don't they? A. Yes, sir; I suppose they do.

Q. There is no guess work about it? A. No, sir.

Q. It is generally understood? A. Yes, sir.

Q. Do you select the policemen that are to serve on election day? A. No, sir; I do not.

Q. Who does? A. The superintendent of police.

Q. The superintendent of police? A. Yes, sir.

Q. Does he select the policemen that are to serve at all the polling places? A. Yes, sir.

Q. How does he get the names of the policemen that are to serve at each election district? A. I don't know.

Q. Did you ever ask him? A. No, sir.

Q. Don't you know what policeman is going to serve at your voting precinct? A. No, sir; I do not.

Q. Before election day? A. I do not.

Q. You mean to say you have nothing to do with the selecting of policemen in your Assembly district who shall serve on election day? A. I mean to say I never paid any attention to what policeman served in the Twenty-first district on election day.

Q. You never knew, and never cared who came there? A. No, sir.

Q. Where is the Twenty-first Assembly district? A. It is located between Fortieth and Eighty-sixth streets, and between Park avenue and Seventh avenue, and between Fortieth and Fifty-ninth streets.

Q. In what would be termed the resident portion of the city? A. "The silk stocking district."

Q. Any particular disorder occurring there on election day? A. No, sir; I don't think so.

Q. You never heard of any in that district? A. Yes, sir; there has been some.

Q. Who designates to the appointing officer the policeman that shall serve in their Assembly district? A. I don't know that, sir.

Q. Did you ever hear? A. No, sir.

Q. You say Mr. Byrnes appoints them all? A. Yes, sir.

Q. And you never learned what sort of requests are made him on that subject? A. No.

Q. Never heard of it? A. No.

Q. You are familiar with the rules and regulations of your department? A. To some extent, yes.

Q. You help make them? A. They were made before I got there; there is a pretty large book; it is hard to know them all.

Q. I don't ask you to specify them? A. I am fairly familiar with them; yes, sir.

Q. Is there a regulation in your department prohibiting policemen from taking part in political conventions and from assisting in the nominating of candidates, etc.? A. Yes, sir.

Q. You consider that a proper regulation, don't you? A. Yes, sir; very proper.

Q. Undoubtedly, for the efficiency and discipline of the force? A. Yes, sir.

Q. And that is because, in your judgment, policemen ought not to interfere in politics, ought they? A. I think they ought not to actively interfere in politics.

Q. You have met policemen at conventions, haven't you? A. No, sir.

Q. Never? A. No.

Q. You are a frequent attendant upon conventions? A. Yes, sir.

Q. Of your political party? A. Yes, sir.

Q. Both State and county? A. Yes, sir.

Q. And Assembly? A. Yes, sir.

Q. You go nearly every time, don't you? A. Every time when there is a convention to be held in which my district is represented.

Q. You go to State conventions, don't you, almost every year? A. My district is represented there.

Q. You calculate to attend political convention, don't you, generally? A. Yes, sir; I am in politics.

Q. Haven't you seen policemen there? A. No.

Q. Never? A. No, sir.

Q. Mr. Martin, how long has the Pequod Club been in existence? A. I can't answer that.

Q. Is it longer than two years past? A. I don't know.

Q. How long has your brother's club been in existence? A. A great many years.

Q. And yet you say you never have learned that policemen belonged to these clubs nor frequent them? A. No, sir; I have not learnt it.

Q. Have you never talked with the inspector about it? A. No.

Q. Or have they never talked with you about it? A. No, sir.

Q. Have you never talked with the police captains about it? A. No, sir.

Q. Have none of them ever talked with you about it? A. No, sir.

Q. Has there any complaint reached your ears from the inspectors or captains with regard to a demoralization to the men for attending these clubs? A. No, sir.

Q. Have you ever talked to Superintendent Byrnes about it? A. Yes, sir.

Q. When? A. Within a year.

Q. When, within a year? A. Well, since election, I think.

Q. How, sir? A. Since the election.

Q. Since last election? A. Yes, sir.

Q. Whereabout was that talk? A. Either in his room or in my room.

Q. What brought up the subject? A. Well, he told me he thought it was a bad thing for the force.

Q. He thought it was a bad thing for the force? A. To have members connected with political associations.

Q. To have members of the force connected with political associations? A. Yes, sir.

Q. He told you he thought that was a bad thing? A. Yes, sir.

Q. What did you tell him you thought? A. I agreed with him.

Q. What else passed between you? A. Well, we talked some on that line.

Q. Tell us what the talk was. A. I do not recollect the exact conversation.

Q. Any club mentioned? A. No, sir; not at that time.

Q. Did you understand what clubs he was referring to? A. No, generally, I suppose he was referring to—

Q. Did you not understand he was referring to the Pequot Club? A. No.

Q. Your brother's club was the Iroquois Club? A. Yes.

Q. Did you not understand he referred to the Iroquois Club? A. I suppose they were included; they were not specially mentioned.

Q. What clubs did you suppose he included? A. Political clubs in general.

Q. Did you gather from Superintendent Byrnes that these clubs existed all over the city? A. Yes, sir; quite a number of them.

Q. Did you understand that policemen belonged to almost all these clubs? A. Yes, sir; he rather spoke that way.

Q. Did he tell you he knew nothing about it himself? A. No; he did not say anything special about it.

Q. But he called your attention to the fact that it was a wrong thing, and detrimental to the police force? A. Yes; he thought it was.

Q. What did you do about that after that? A. I spoke to the members of the executive committee in Tammany Hall about it.

Q. What else did you do about it? A. I told them they ought to get rid of these policemen in their clubs.

Q. To whom did you tell that? A. The members of the executive committee of Tammany Hall.

Q. What else did you do about it? A. I could not reach the other side, of course.

Q. What else did you do about it? A. That is all.

Q. Did you ever go to your police captains about it? A. No, sir.

Q. Ever go to your inspectors about it? A. No.

Q. Ever request anybody to give you the names of those policemen? A. No, sir.

Q. Ever ask Mr. Byrnes to make a report to you in writing on the subject? A. No, sir.

Q. But you went to Tammany Hall? A. Yes.

Q. Why did you go there? A. I took occasion to speak in Tammany Hall about it because there I could reach people from different Assembly districts; I have spoken to representatives of the different districts about it in my office.

Q. Why did you go to the executive committee of Tammany Hall with this specially? A. I did not go specially.

Q. Why did you bring it up there? A. Why, because I thought it was a proper thing to advise these men to keep policemen out of their clubs as far as possible.

Q. Did you think Tammany Hall was concerned with the efficiency of the police of this city? A. Yes, I did.

Q. And you went to Tammany Hall to engage their co-operation in securing greater efficiency of the police force in New York city? A. To aid in making it efficient; yes, sir.

Q. Was that because there was no other place to go? A. There was no other place to go that would be as effective as that.

By Senator O'Connor:

Q. Is there any rule of your board prohibiting the members of the police force from being members of these clubs?

Mr. Sutherland.— He has just said there was.

The Witness.—I did not; I said there was a rule and regulation that prevented police officers from attending or being members of political conventions; there is no rule to prevent them being members of any other club.

Q. You take it—from the evidence already out—you think it impairs the efficiency of the force to be members of clubs where the sale of liquor violates the law? **A.** No; I said if it was done to excess.

Q. When your attention was called to it, did your board make the rule prohibiting their being members of such clubs? **A.** No, sir; I did not; I would not be in favor of such a rule.

Q. Why did you bring it to the attention of Tammany Hall? **A.** Because I thought it should not be encouraged; I had learned that some members of the police force were members of a good many clubs.

By Chairman Lexow:

Q. Did you understand that Tammany Hall was encouraging it? **A.** No, sir; I did not; but I thought they might discourage it.

Q. Did you understand, Mr. Martin, that Tammany Hall exercised so strong a power over the police in this city that their suggestion in one direction or another would govern the action of the police? **A.** No, sir; I thought they exercised a good deal of influence in these clubs; they had a good deal to say who were the members of them.

Q. Then it was not with a view to interposing as against the police, but against these clubs, that you spoke to Tammany Hall about this matter? **A.** I thought it ought to be limited as much as possible.

Q. Then it was not with a view to interposing as against the police, but against these clubs that you spoke to Tammany Hall about this matter? **A.** I don't understand you.

Q. Was it with a view to securing the influence of Tammany Hall with regard to the police or with reference to the clubs you spoke to the members? **A.** With reference to the clubs; I thought it was a good thing for these clubs to keep police officers out of them as much as possible.

By Senator Bradley:

Q. You thought it had a demoralizing effect on the police? **A.** Yes; if carried to excess.

By Chairman Lexow:

Q. You understood that the control of Tammany Hall over these clubs was greater than your control as police commissioner over the police? **A.** No; I can not say that.

By Mr. Sutherland:

Q. Why would you be opposed to a promulgation of that order against these men that belonged to a club? A. Because I think they have a right to belong to any club they see fit.

Q. You thought they ought not to belong to these clubs, and asked Tammany Hall to keep them out? A. Yes, sir.

Q. Why didn't you, as a police commissioner, recommend to your board the adoption of a rule that would regulate that thing? A. I don't think I would have a right to.

Q. You don't think the board of police commissioners would have a right to regulate it? A. As a board they might, as a commissioner I would not favor it.

Q. Why wouldn't you favor it? A. Because I think they have a right to belong to these clubs, if they see fit.

Q. But you think they ought not to? A. In some cases; yes, sir.

Q. Then your application to Tammany Hall was against some of the policemen and not against all? A. I have reference to police officers that were running around joining various clubs, with a view to securing political support; I think a police officer has a perfect right to attach himself to a social club in the neighborhood in which he lives and in which he has been brought up.

Q. But you did not think it was compatible with the efficiency of the police for policemen to go around joining political clubs for political purposes? A. No, sir; I did not.

Q. Why didn't you incorporate that idea in the order of the department? A. I did not see how we could dictate such a rule as that; it is a difficult rule to frame.

Q. You mean difficult to frame or difficult to pass? A. Difficult to frame.

Q. You could adopt such a resolution as far as that is concerned? A. I think so; I do not know that, of course.

Q. Did you ever call upon an expert to write out such a regulation for you? A. No, sir; I did not.

Q. Did you ever bring the subject up in a meeting of the board? A. No, sir.

Q. Did you think it of sufficient consequence to talk over in the board? A. I did not.

Q. Are you not, as member of the board of police commissioners, in the habit of consulting with each other, with regard to measures looking to the greater efficiency of the force? A. Occasionally; yes, sir.

Q. Is that a matter of frequent occurrence? A. Yes, sir.

Q. Isn't it your duty to devise ways to increase the efficiency of the police? A. Yes, sir.

Q. You understand these patrolmen had charge of the lives and property of the city of New York? A. Yes, sir.

Q. And it is extremely desirable that the morals of the police shall be as high as possible? A. Yes, sir.

Q. And you and the commissioners did consult together to increase the efficiency of the force? A. Yes, sir.

Q. And this is a subject you never brought to their attention? A. No, sir; I did not; I brought it to the attention of the people where I thought it had some effect.

Q. Yes, I understand that. A. The effect I desired.

Q. Mr. Martin, you recommended to the board appointments, transfers and promotions? A. Yes, sir.

Q. About one-fourth? A. About one-fourth; yes, sir.

Q. Are any of these appointments, transfers or promotions recommended by you except they are also recommended by the Tammany Hall district leader of the district in which the man resides? A. Oh, yes, sir.

Q. How many of them; what percentage? A. Well, some percentage; a small percentage; not a large percentage.

Q. Give the committee some idea what percentage that would be. A. Well, I suppose I have appointed, or promoted — on my recommendations there have been appointed or promoted probably something over 300 in five years; about 60 a year, I think.

Q. About 60 a year? A. I should think so.

Q. What percentage of these are not accompanied by a recommendation of the Tammany Hall district leader? A. Well, probably 10 or 15 per cent.

Q. Then from 85 to 90 per cent. of your appointments, your individual appointments, are indorsed in the first instance by the district leader of Tammany Hall for the district in which the applicant resides? A. Yes, sir.

Q. Is it your experience that the man who receives his appointment in that matter feels himself under any obligation to a Tammany Hall leader in that district? A. I don't know that.

Q. I ask you from your experience? A. From my experience I may say after a man is appointed on the force they see very little of him.

Q. You, of course, as police commissioners, are watchful of the discipline on the force? A. Yes, sir.

Q. Tell the committee now whether you have observed that these men, appointed upon the recommendation of the Tammany Hall district leaders, after their appointment exhibit any degree of obligation to the Tammany Hall leader? A. I can not answer that, except from my own personal experience.

Q. I ask you whether you have observed anything of that sort?
A. I think some of them are very forgetful of how they were appointed, like a great many other people.

Q. Quite so; but as a rule, is it not expected; isn't it understood. **A.** I think it would be natural to expect it.

Q. That they should be grateful to these Tammany Hall district leaders? **A.** Yes, sir.

Q. And therefore desirous, as far as they can, to comply with their wishes? **A.** Yes, sir.

By Chairman Lexow:

Q. Before leaving that question, I would like to put a question. Do you consider it compatible with the efficiency of the police to seek the intercession of a political organization for the purpose of securing the results that you aimed at in your previous answers?

A. I think it was entirely compatible; I was after results.

Q. Do you think it was a proper exercise of your functions as police commissioners, instead of exercising your moral or other suasion, force to seek the interview of the moral or suasion force of a political organization? **A.** I think it was entirely proper; yes, sir.

By Senator O'Connor:

Q. I may have misunderstood you; are we correct in our understanding of it that you applied and brought this matter to the attention of Tammany Hall because you thought it would be more powerful in securing the result than the police board itself?

A. No, sir; that is not my idea of it; I thought that the members of the police force had a right to join these clubs, as I stated; I thought in some cases it was carried to excess, because I learned some police officers had joined several of these clubs with a view to obtaining political influence.

Q. Did you think that that evil, if it was an evil, would be more successfully broken up by the interference of Tammany Hall than the police board? **A.** I thought what I said to the representatives of the executive committee would have an influence in that direction; yes, sir.

By Mr. Sutherland:

Q. Have you personally ever recommended the appointment, promotion or transfer of a man solely upon the ground of the merit of that officer? **A.** Yes, sir; not solely; I have taken that into consideration.

Q. Of course that is taken into consideration always; but I ask you now—please be deliberate, if necessary—have you ever

recommended, yourself, to the board of police commissioners, the appointment, transfer or promotion of a policeman, solely upon his merits as an officer? A. Yes, sir.

Q. How? A. Yes, I have.

Q. Who and when? A. Well, there was a case where an officer had rendered some valuable service—I have forgotten the instance.

Q. Give us his name? A. John Ryan.

Q. When was this? A. Several years ago; I can not fix the time now; the records will show.

Q. As near as you can, please? A. And I brought—

Q. Give us as near the time as you can? A. I should think it was three years ago.

Q. Well, now what was his position before you made the recommendation? A. He was a patrolman.

Q. For what position did you recommend him? A. To the rank of roundsman.

Q. You say that was solely upon his merits as an officer? A. Yes.

Q. Unaccompanied by any recommendation from any political power whatsoever? A. I do not think there was a soul interceded for him.

Q. Was there any other instance? A. Yes, there was an officer, a patrolman by the name of Griffenhagen; he stopped a runaway team in the fire department upon our parade.

Q. When? A. Last summer.

Q. What was he? A. He was a patrolman, and I recommended him for roundsman, and he was promoted.

Q. And his recommendation was unaccompanied by any political recommendation whatever? A. Yes, sir.

Q. Any other case? A. I don't recollect any others.

Q. So far as your recollection goes, with the exception of two instances, so long as you have been police commissioner, you have not recommended for appointment, promotion or transfer, a single man, except one who was backed by political influence? A. I do not recollect of any others, I think there are others of them.

Q. So far as you now recall? A. I do not recollect of any others at this time, although I think there are others.

By Senator O'Connor:

Q. In what connection, don't merit count for anything on the force? A. Yes, sir; it does.

By Mr. Sutherland:

Q. Who selects the voting place for election day, the place of registration and of voting? A. The place of registration is selected through the bureau of elections.

Q. Who constitutes the bureau of elections? A. As I said before, General Rodenbaugh is the chief of the bureau.

Q. Who else constitutes it besides him? A. He has some clerks under his control, and he acts in this matter through the superintendent of police and the various captains, and they select these places and report back to him.

Q. Who selects them? A. The captains of police, I suppose, in the various precincts.

Q. Do you know, as a fact, that no store or room is selected by any police captain for the purpose of registration or voting, except upon the recommendation of the district leader of that district? A. No; I do not.

Q. Tammany Hall district leader? A. No; I do not.

Q. You do not? A. No, sir.

Q. Have you ever heard anything of that sort? A. No; I have not.

Q. Never heard of that? A. No, sir.

Q. You have some general information on the subject, haven't you? A. I have, so far as my own district is concerned.

Q. Have you known, outside of your own district? A. No, sir; no special information.

Q. Or any general information? A. Or any general information about it.

Q. Who do you understand selects these places? A. The police force and captain.

Q. The captain don't go around personally and stick his nose into the place? A. I don't know about that.

Q. Don't he get information from others? A. I suppose from his officers and superintendent.

Q. Are these appointments in writing? A. Those recommended to the board.

Q. Do you understand they are recommended to the captains in the first instance? A. I don't so understand it; these places are usually selected year after year; the same place in a great majority of cases, I think.

Q. Have you ever heard of an instance when the place selected was not agreeable to the Tammany captain of the district? A. Yes, sir.

Q. Tell us one? A. I do not recollect any particular case.

Q. Could you tell us somebody who could recollect a particular case of that sort? A. Probably some of the captains might have

been spoken to; some complaints have reached me that the places are not large enough.

Q. Isn't that a frequent complaint? A. Yes.

Q. That these places selected for the voters was not large enough? A. Yes, sir; that is true.

Q. Has it not come to your ears that the inspectors of elections have made that an excuse for throwing voters out? A. Yes, sir; we have great difficulty in obtaining 1,200 places for registration.

Q. You have some places built for that purpose? A. We limit it as far as possible.

Q. You had some buildings built for the purpose, didn't you? A. Yes, sir.

Q. You could have others built? A. We could, at some expense.

Q. You say these voting places continue year after year in the same places? A. In a great many cases.

Q. And in these small places? A. Yes, I suppose so; the board of police is usually instructed to hire places where there would be about 300 square feet for the purpose of election.

Q. How many of them have that? A. I think the great majority of them has that.

Q. Has not the complaint come to you every year that the voters are compelled to go to places so small that the rights of voters can not be properly protected by watchers? A. I have heard that excuse made.

Q. That is made more than once, isn't it? A. Yes.

Q. What steps have you taken to correct that evil? A. I do not believe it is true.

Q. Did you ever investigate to find out? A. Yes, sir.

Q. Have you paid any attention to the evidence that has been produced before this committee? A. I have; yes, sir.

Q. Have you read it? A. I have read it in the newspapers, yes; I have not seen the official testimony.

Q. Have you observed that watchers have come on the stand here and frequently testified to that excuse being given when they were thrown out from behind the guard-rail? A. Yes, sir.

Q. That there wasn't room for them? A. Yes, sir.

Q. Do you tell the committee you don't believe that story? A. Well, I have great doubts about it.

Q. In each case? A. I think they can do as well outside the rail as inside.

Q. You think they can serve just as well outside the rail as inside? A. Yes, sir; I do.

Q. You know the law says they shall be inside? A. Yes, sir.

Q. You understand the testimony given was the excuse given by the police officer, that it was too small? A. Yes, sir.

Q. You don't believe those stories? A. I am waiting to hear the other side.

Q. Did you ever have your attention called to this subject, before the evidence was given before this committee? A. No, sir.

Q. Never did? A. No, sir.

Q. I understood you to say there had been numerous complaints made to you? A. Before the selection of these places?

Q. Before the committee commenced its sessions? A. I did not say so.

Q. Then, there have been, of course, complaints made to you since the committee arrived? A. No, sir; there haven't; I said there were numerous complaints on the ground that they were too small.

Q. How long did these complaints continue? A. Every year that occurs; a few complaints of that character.

Q. Did you ever investigate any of them? A. Yes, sir; and the board has changed them from time to time.

Q. Did you ever issue any orders on that subject? A. No; no direct orders; cases have been dealt with when they came up; the investigation has been made as to the size of the place, and investigation made through the bureau of elections by General Rodenbaugh, under his direction, and he has made report to the members of the board, and we have dealt with it as we had time.

Q. The board has dealt with some cases? A. Yes, sir.

Q. How many? A. Quite a number.

Q. How many; two? A. I should say 20 in each year.

Q. There has been 20 changes then in each year, you think, in consequence of those complaints? A. Yes, sir.

Q. Being a member of the executive committee of Tammany Hall general committee, you probably have a list of the general committee of Tammany Hall? A. I should have a list; yes, sir.

Q. Is that printed in a book or pamphlet? A. It is printed in a book; I have not received a copy this year.

Q. Have you got a copy of last year's record? A. Yes; I think I have.

Q. Can you send it to me; will it be convenient for you to let me have it? A. If I have that copy, you shall have it.

Q. Can you send it to me to my hotel before 8 o'clock to-night? A. Yes, I think so.

Q. Where is your residence? A. The copy is at my office.

Q. At 300 Mulberry street? A. I expect to go back this afternoon.

Q I only wanted to inquire whether the name of any police officers appear there in that roll; if you can tell me those names, that is all I care for. **A.** I do not know that any names of police officers appear on that roll.

Q. Do you mean to say you do not understand that any police men got on that roll? **A.** I don't think they do; there might be an exception here and there.

Q. Do you know Sergeant McCartney of the ninth precinct? **A.** I know there is a sergeant of that name.

Q. Have you read in the papers the evidence given here yesterday, that he presided at a meeting of the political club whereat resolutions were passed rescinding the previous resolution of that club, which previous resolution indorsed the candidacy of Walter W. Bahan? **A.** No, sir; I did not read it.

Q. Did you ever hear that circumstance before? **A.** I heard of it; but did not read it carefully.

Q. Do you know the same testimony shows that there was a large number of policemen present in this club voting for the rescinding of that resolution? **A.** I do not know of it; I did not read it.

Q. This is the first you have ever heard of it? **A.** Yes, sir.

Q. It would be in the nature of a surprise party to you if you learned a large number of policemen were on the Tammany Hall committee? **A.** Yes, sir.

Q. How? **A.** Yes, sir.

Q. Your Tammany Hall committee is a large body? **A.** A very large body; yes, sir.

Q. How large? **A.** I should think it must be 12,000 or 15,000 members on the roll.

Q. On the committee; the general committee consists of how many? **A.** That is what I speak of—the general committee.

Q. The general committee consists of 12,000 or 15,000? **A.** Yes.

Q. Are these 12,000 or 15,000 names you speak of printed in the book you refer to? **A.** Yes, sir; they are.

Q. If it should be pointed out to you that there was upon that list of names the names of one or more members of the police force, would you consider it a part of your duty to invite that policeman to withdraw? **A.** No, sir; I would not.

Q. You would consider that his efficiency as an officer was in no wise impaired by his activity in connection with Tammany Hall? **A.** Not in violation of any rule.

Q. No; answer my question; you would consider that his efficiency as a police officer would be in no wise impaired by reason of his membership in that political organization? **A.** No, sir; I don't think it would.

- Q. Who is your clerk? A. Patrick J. Ford.
- Q. Where does he live? A. He lives 56 East Forty-first street, I think.
- Q. What are his duties as clerk? A. He attends to all these complaints that come to my room, as I have described.
- Q. And puts them all in a box, I suppose? A. Yes, sir; he takes care of those books.
- Q. And enters the records of the trial, and so forth, and so on? A. Yes, sir.
- Q. Each one of your commissioners has a clerk? A. Yes.
- Q. Paid by the city? A. Yes, sir.
- Q. What is the salary of your clerk? A. Seventeen hundred dollars.
- Q. And is it expected his duty as clerk in your office occupies his entire time? A. Well, it does to a great extent.
- Q. That is to say, he does not have any other business? A. No; I don't think so.
- Q. What are his hours there? A. He is there from 9:30 to 5 o'clock, I should think.
- Q. With a noon intermission, I presume? A. I think so.
- Q. Is he the man that sends out your political notices? A. Yes, sir.
- Q. He sends out your political notices? A. No, sir; not all.
- Q. How long has it been the practice for your clerk — the clerk of your police office — to send out the notices which you, as district leader, are required to send out? A. Well, he has been attending to that off and on since he has been there.
- Q. How long is that? A. Since I have been there.
- Q. And he does this while he is on duty there in the city building? A. No; he usually does it after office hours.
- Q. After what hours? A. Well, after the usual office hours; after 4 o'clock.
- Q. These notices go out to your district captains? A. No; they go out usually to the members of the organization of the Twenty-first Assembly district.
- Q. That is what I am talking about; the district captains in your Assembly district? A. The district captains would be only 33 notices; there is a great many more.
- Q. How many more? A. Oh, several hundred.
- Q. What time of the year do these notices go out? A. Usually every month.
- Q. Every month? A. Yes, sir.
- Q. One day in the month? A. One day in the month.
- Q. The first day in the month? A. No; usually the meetings take place on the second Tuesday in the month; this is prior to that.

Q. These notices, then, relate to the meetings of the committee? A. The meetings of the committee; yes, sir; the organization.

Q. What else do the notices relate to? A. Well, coming on to election time, they are usually more frequent in relation to having men to go to convention, and so on.

Q. He notifies delegates to the convention? A. Yes, sir.

Q. And notifies the district captains to arrange for election day? A. No, sir.

Q. He does that? A. That is done at the meeting.

Q. He notifies you at the meeting then? A. Yes, sir, and he notifies them amongst the others.

Q. Who is the patrolman detailed at your office? A. His name is McGurrie.

Q. He was formerly a doorman? A. Yes, sir.

Q. And under the Consolidation Act there was a provision about the promotion of doorman and patrolman? A. Yes, sir.

Q. And that provision required them to be not over 35 years of age? A. The original provision?

Q. Yes. A. I think the original provision did.

Q. Not over 35 years of age? A. Yes, sir.

Q. And not less than what height? A. Not less than five feet seven and one-half; that is the regulation that the board requires; there is nothing in the statute as to the height of the officer.

Q. This man who is now your patrolman, and was formerly a doorman, was promoted on your recommendation? A. Yes, sir.

Q. What was his age when he was promoted? A. I don't know.

Q. Forty-five, wasn't he? A. I don't think he was as old as that.

Q. He was over 35? A. Yes, sir; I think he was; he was promoted under the law, as amended by the Legislature.

Q. You secured the passage of a special act, did you not? A. No, sir; I did not.

Q. Who did? A. I don't know.

Q. Didn't you hear of it before it went through? A. Yes; I heard some talk about it.

Q. Has anyone else been promoted over age except this man? A. I don't know whether he was over age or not; there were three promoted under that act; there was the doorman of Commissioner McClave, and one other doorman—I do not recollect his name—three promoted under the statute.

Q. As I understand, each one of these three labored under the same disability, which it required that act to remove? A. Yes, sir; they could not be promoted without that act.

Q. Other doormen have applied for this promotion besides these three? A. There have been some recommendations besides that; yes, sir.

Q. What has become of their applications? A. I believe they have not been favorably considered.

Q. But these men, for some reason, were made eligible by special enactment? A. Yes, sir.

Q. Was there any special reason why these three men should be selected for that promotion against others? A. No special reason.

Q. What are the duties of this doorman? A. He attends to the office.

Q. What does he do? A. He receives all callers and announces them to me.

Q. What else does he do? A. Carries messages to the various offices of the department.

Q. What else does he do? A. His time is well occupied.

Q. What else does he do? A. He attends to all the duties of messenger of the office.

Q. Does he go outside on messages? A. Yes, sir.

Q. Don't you send him out on your political messages? A. Very rarely.

Q. Hasn't this man been particularly active and serviceable in that matter? A. He has been with me for a great many years; on my recommendation he was originally appointed; I was glad to take the opportunity to promote him.

Q. And he made himself very serviceable to you politically? A. I regarded him as very serviceable.

Q. And it was a matter of congratulation that the act enabled you to give him promotion? A. I was very glad of the opportunity; and he was a man of large family, and I thought he was worthy, and would be as good a patrolman as anybody else.

By Senator Bradley :

Q. While this man was performing these minor acts for you, that did not interfere with his official duties? A. Not in the slightest.

By Mr. Sutherland :

Q. The police commissioners are at the head of the entire force? A. Yes, sir.

Q. And who is next subordinate to them? A. Superintendent of police.

Q. And who next subordinate to him? A. Your inspectors of police.

- Q. The superintendent is Mr. Byrnes? A. Yes, sir.
- Q. Who are the four inspectors? A. The inspectors are Williams, McAvoy, Coughlin and McLaughlin.
- Q. And McLaughlin? A. Yes, sir.
- Q. Who are the next subordinate to them? A. The captains of the police.
- Q. How many captains are there? A. I think about 37.
- Q. They have charge of precincts? A. They have charge of police precincts; yes, sir.
- Q. How are those police precincts made up; by geographical designation? A. Yes, sir.
- Q. What police precinct do you live in? A. I live in the twenty-second precinct.
- Q. And what are the boundaries of that precinct? A. The twenty-second precinct runs from Forty-second to Fifty-ninth street, and from Sixth avenue to the North river.
- Q. And who is the captain of that precinct? A. Captain Houghey, at this time.
- Q. Do you know Captain Brooks? A. Yes, sir.
- Q. What precinct is he in command of? A. Captain Brooks is in command of what is known as the twenty-ninth precinct.
- Q. What are the boundaries of that precinct? A. It runs from One Hundred and Sixteenth street to the Harlem river, and west to Seventh avenue.
- Q. And east? A. East to the river.
- Q. Do you know Captain Dougherty? A. Yes, sir.
- Q. What precinct has he charge of? A. Captain Dougherty is now in the fifth precinct.
- Q. He was formerly in what precinct? A. He was formerly in the fourteenth precinct.
- Q. What are the boundaries of that precinct? A. I think from Hudson to Fourteenth street, and east of the Bowery; I can not give you the exact boundaries.
- Q. I want to get the location, of course? A. That is about the location.
- Q. Are there a good many liquor saloons in that precinct? A. I should think so; yes.
- Q. Well, let us continue this subject of the force; after the captains, who are the next subordinate officers in the force? A. Sergeants of police.
- Q. How many of them? A. There are four to each precinct, making about 180, I should think, or thereabouts.
- Q. About 180 sergeants; how many roundsmen are there? A. There are the same number of roundsmen in each precinct; about the same number. /

Q. About 180; how many doormen have you? A. We have two to each precinct—about 70—and some at the central office, making probably 80 in all.

Q. How many patrolmen? A. I will look at my data.

Q. If you have it, by all means; if you can give us these other figures more exactly, I will be glad to have you, Mr. Martin; I will ask you the questions over again, if you have the data there? A. I am substantially right.

Q. How many police captains? A. Thirty-seven.

Q. And how many sergeants? A. One hundred and sixty-six.

Q. How many roundsmen? A. There were some vacancies that have been filled, making 169.

Q. How many roundsmen? A. One hundred and seventy-seven roundsmen, I think, there are to-day.

Q. How many doormen? A. Doormen, 82.

Q. And how many patrolmen? A. Patrolmen, 3,384; there have been some appointed since that time; I should think about 3,400; this was on the 16th of February; I had this made up.

Q. And besides that you have police surgeons? A. Yes, sir.

Q. How many? A. Fifteen.

Q. Can you tell us the total of your force then on the 16th of February? A. On the 16th of February the total force was 3,897.

Q. Is that about the force during the year? A. It increases 100 each year.

Q. The increase is about 100? A. Yes.

Q. It does not decrease at all? A. No; the statute authorises the increase of the force 100 each year.

Q. Do you know Morris Tekulsky? A. Yes, sir.

Q. Is he a particular friend of yours? A. No, sir.

Q. Is he a frequent visitor at your place? A. No, sir.

Q. Has he ever visited you? A. Yes, sir.

Q. On what business? A. Well, on general business.

Q. What general business is he engaged in? A. He came in there to talk about general matters; nothing that I now recollect particularly.

Q. You mean the weather? A. Yes, sir; the weather, probably; yes, sir.

Q. What else did he come to talk about? A. Well, he came in on several occasions to ask that some officer be appointed or transferred; I do not now recollect.

Q. How many times did he ever do that? A. Half a dozen times, I should think.

Q. Did you grant his request? A. In some cases.

Q. In how many cases? A. I should think about four cases; I think four or five cases.

Q. You did not read his evidence, did you, the other day? A. Yes, sir; I did.

Q. Where he said he never had but one? A. Yes; I think he said that.

Q. Now, Mr. Martin, haven't you promoted or transferred more than four or five patrolmen at his request? A. No, sir.

Q. You are sure of that? A. Yes, sir.

Q. Has not the board of police commissioners promoted or transferred more than four or five at his request—the entire board? A. I don't know anything about it, except those in which I am concerned myself.

Q. Is that the only business he has called upon you about? A. I think that is the only business he called to headquarters; I have met him occasionally outside.

Q. Is that the only business he has talked about to you in your official capacity as police commissioner? A. Yes, sir.

Q. A mere appointment or transfer of patrolmen? A. That is all.

Q. Has he never complained to you about the manner in which the Excise Law was enforced? A. I don't recollect of his making any such complaint, sir.

Q. What reason did he give for desiring the transfer of patrolmen? A. I do not now recollect.

Q. Was it not with regard to this conduct of the Excise Law? A. No, sir; it was not.

Q. In no instance? A. No, sir.

Q. He had some other excuse to transfer him? A. He gave me some other reason.

Q. You knew all the while he was president of the State Liquor Dealers' Association? A. I knew that very well.

Q. No deception practiced on you? A. Not the slightest.

Q. Did you ever give any instructions yourself to the police captains in regard to the manner in which they should execute the Excise Law? A. No, sir; never.

Q. Individually or collectively? A. No, sir, never directly or indirectly.

Q. You know Captain Brooks? A. Yes, sir.

Q. Have you ever sent to him? A. On that subject?

Q. Yes? A. No, sir.

Q. Ever talked with him about it? A. No, sir.

Q. Is your recollection quite clear on this topic? A. My recollection is quite good.

Q. On that particular subject? A. Yes, on that particular subject.

Q. Do you know Captain Dougherty, that I have mentioned? A. Yes, sir

Q. While he was in command of the fourteenth precinct, did you talk with him about the manner in which he should enforce the Excise Law? A. No, sir.

Q. Did you talk with him on the subject of the Excise Law? A. No, sir.

Q. Did you talk with him on the subject of the arrest of liquor dealers? A. No, sir.

Q. Did you talk with him on the subject of Sunday closing? A. No, sir.

Q. Did you talk with him on the subject of liquor saloons being open at unlawful hours? A. No, sir.

Q. Did you talk with him on the subject of the Excise Law in any of its ramifications? A. No, sir.

Q. Had any conversation with him on that subject whatever? A. No conversation whatever.

Q. Do you know Captain Gallagher? A. Yes, sir.

Q. What precinct is he captain of? A. Captain of the ninth precinct.

Q. What are the boundaries of that precinct? A. I can not give you the boundaries; it is over on the west side, south of Fourteenth street.

Q. How far south does it run? A. It runs down, I should think, as far as Houston street.

Q. Is that a rather disorderly quarter of the city? A. No, I would not so regard it.

Q. A good many liquor saloons there? A. I don't think a great many.

Q. Did you ever send for him and talk with him about it? A. Never.

Q. Never talked with him on that subject? A. No, sir.

Q. Do you know Captain Gallegar? A. Yes, sir.

Q. What precinct has he charge of? A. He is in the eighteenth precinct.

Q. What are the boundaries of that precinct? A. Fourteenth to Twenty-sixth street, I think, and east of Fourth avenue over to the river.

Q. Have you ever sent for him and talked with him on the subject? A. Never.

Q. Did he ever come to you and you talked with him on that subject? A. No, I never talked to any captain of police at any time on this subject.

Q. You say you never talked with Captain Shields when he was in the sixteenth on that subject? A. No, sir.

Q. You never talked with Captain Martin or Captain Cross of the fifth on that subject? A. Never.

Q. You never talked with Captain Price when he was in the twentieth on that subject? A. No, sir.

Q. By the way, you have talked with Price about some things? A. I have talked with all the captains about some things, I suppose.

Q. You remember a complaint was made in which Captain Price failed to obey orders not a great while ago? A. Yes, sir.

Q. That complaint resulted in a trial subsequently? A. Yes, sir.

Q. Based upon charges? A. Yes, sir.

Q. Preferred by superintendent of police? A. Yes, sir.

Q. Another gentleman of the name of Martin was tried at the same time? A. Not at the same time — Martens, not Martin.

Q. He was captain of what precinct? A. He was captain of the twenty-first precinct.

Q. Before those charges were preferred, and consequently before the trial, did you have any talk with Captain Price about the manner in which he should execute his duties in respect to disorderly houses in his district? A. No, sir.

Q. None whatever? A. No, sir.

Q. You had not talked with Superintendent Byrnes about it before that? A. No, sir.

Q. Were there any special orders given to Captain Price on that subject? A. By me?

Q. Yes. A. No, sir.

Q. Were there any special orders given to him by your orders? A. Not to my knowledge.

Q. What was the complaint against Captain Price? A. He was charged with neglect of duty.

Q. In what particular? A. In failing to suppress.

Q. Suppress what? A. A disorderly house.

Q. Disorderly in what particular? A. I think it was charged as a house of prostitution.

Q. Where situated? A. Situated on Seventh avenue; I think the numbers were 528 and 530 Seventh avenue.

Q. Was that house well known to be a house of prostitution? A. It seemed to be on the trial well known to the police.

Q. And, as you understand it, the trial developed the fact that he willfully disobeyed the order to close that house? A. What is that?

Q. You found him guilty of disobeying orders to close that house? A. Yes, sir; we did.

Q. And that, therefore, was on evidence showing that it was a matter of common knowledge, common to the police, that it was a disorderly house, was it not? A. Yes.

Q. And, as you understand it, Captain Price had been specifically instructed to close that house, hadn't he? A. Yes, sir.

Q. And he and Captain Martens had been specifically instructed to close several houses, hadn't they? A. I don't know as to any others; all I know is as to these two charges.

Q. Did they both relate to the same house? A. No, sir; no, sir; a house in each precinct.

Q. There was a house in each precinct? A. Yes, sir.

Q. What was the length of time between the giving of the order to close that house and the complaint filed against the captain for failure to obey? A. Well, I think the order to close was sometime in February, and the trial was early in March.

Q. When was the complaint? A. At that time; at the time of the trial; the trial followed immediately afterward.

Q. Then the difference in time was in the neighborhood of four weeks? A. I should think less than that.

Q. Three weeks? A. About that I should think.

Q. Mr. Martin, can you conceive of a greater offense short of a felony for a police officer to commit than to refuse to close a disorderly house when specifically commanded, and having in his hands abundance of evidence?

Mr. Nicoll.—One moment, Mr. Sutherland. Can a judicial officer, or an officer exercising judicial functions, who has rendered a judgment, have his motives or reasons inquired into?

Mr. Sutherland.—I shall inquire for the reasons of this judgment if you want to have it.

Chairman Lexow.—Inasmuch as this inquiry is to ascertain facts on which to base legislative action, the question is very pertinent to determine whether or not the judicial branch of this department is being properly exercised.

Mr. Nicoll.—You need not get angry about it, Mr. Sutherland, in any way at all. Of course we know, as matter of fact, that ordinarily you can not interrogate a judicial officer as to the reasons which led to his judgment; that is contrary to public policy. He is responsible for his judgment; and he gets what approval he is entitled to, if it is a right judgment, but public policy forbids us to inquire into reasons which induced the judgment, although it may be reviewed by appellate tribunals.

Chairman Lexow.—Is it not a matter of fairly frequent occurrence that justices of the peace are suspended or removed upon charges reflecting upon the judgments that they have rendered, and it is not a proper subject of inquiry? Is not your objection limited to constitutional officers?

Mr. Nicoll.—I don't think it is limited to those.

Chairman Lexow.—I think it is proper, to test the efficiency of the department.

Mr. Nicoll.—How long is the committee going to sit to-day?

Chairman Lexow.—I thought Mr. Sutherland would terminate this branch of the inquiry.

Mr. Sutherland.—What is the answer to the question?

The Witness.—What is the question?

Q. (Question read as follows.) Mr. Martin, can you conceive of a greater offense, short of felony, for a police officer to commit, than to refuse to close a disorderly house when specifically commanded, and having in his hands abundance of evidence?

A. I think it was a very serious offense.

Q. What was the punishment inflicted by your board? A. He was fined five days' pay.

Q. How much is that? A. I will have to figure it up, of course.

Q. Of course; we will give you plenty of time? A. The salary of the captains is \$2,000 a year, that would be \$166 a month.

Chairman Lexow.—Five days' pay would be \$25.

A. More than that.

Chairman Lexow.—About \$25.

By Mr. Sutherland:

Q. It is under \$30; that is safe enough? A. Between \$27 and \$30; yes, sir.

Q. Under \$30? A. Yes, sir.

Q. Was it your judgment that that punishment fitted to the crime? A. That was the unanimous judgment of the board.

Q. It was yours among the rest? A. I was one of the board.

Q. In pursuance of your duties as a commissioner to hear trials, you have imposed other fines upon other officers? A. I would like to make an explanation about that Price case.

Q. Let me ask you one or two questions, and you will have an opportunity to explain; you have imposed other fines on other officers? A. Yes, sir.

Q. What was the total amount of fines imposed last year? A. You mean by the board on all the various members?

Q. Yes, sir; on the various complaints brought before you? A. I could not answer you that, sir.

Q. Perhaps I can help you? A. That would require considerable calculation.

Q. You made a report every year? A. Yes, sir.

Q. And that report goes out under your direction? A. Yes, sir.

Q. And your report shows for 1892 there were 831 complaints against policemen? A. Yes, sir.

Q. The total amount of fines was \$11,033.65; is that about the figure? A. Yes, sir; I should think that is correct.

Q. And the year before—1891—the total amount of fines imposed on officers of the force was \$18,313.61; for the year 1893 the amount of fines you would say would be somewhere between \$11,000 and \$18,000? A. I should think in that neighborhood; there have been more complaints this year than we have had before; probably it might be more in proportion; I should think it would not exceed \$20,000.

Q. And this man contributed from \$25 to \$30 of the aggregate amount? A. Yes, sir.

Q. You wanted to explain something? A. I want to say in reference to the Price case that there was a great deal of doubt as to whether or not the captain was guilty of the offense charged.

Q. Well, I will ask you about that the next time we meet. A. I wanted to give it right here.

Senator Bradley.—Would it not be well to get that?

A. I want to give an explanation.

By Mr. Sutherland:

Q. Go ahead, certainly; I only want to probe him a little myself. A. The testimony of Captain Price went to show that this house was closed and had been closed for a number of months.

Q. And the testimony on the other side went to show there were people frequently visiting it? A. No, sir; there were not.

Q. What was the name of the woman that kept that house? A. I have forgotten it this minute.

Q. Is Sallie— A. Sallie Holland; and the testimony went to show the central office man went there one evening in February and got in through the basement, and there wasn't anybody there—no woman; they talked with the servants, and said they would come again; they called again, and there wasn't anybody there; the third time they called, always going through the basement, which was the cellarway, they were taken upstairs for the first time and two girls were introduced; they had some conversation with the girls and purchased a bottle of wine; on that, warrant for the arrest of the proprietor and inmates was obtained; and the testimony went to show that, I think, about eight police officers called there a few nights afterward and raided the house and arrested one person—the housekeeper; there were no women in the house at that time; on the trial of that case in Special Sessions, I think, she was discharged; those are the facts in the case.

Mr. Nicoll.—Just before we leave, I want to ask Mr. Martin one question, and only one.

By Mr. Nicoll:

Q. Mr. Sutherland asked you in how many cases you have recommended to the board the appointment of men to the police force or promotion, for transfer for merit alone, and without regard to political recommendation or influence; do you mean to say that you recommended the appointment of men—unworthy men—on political influence? A. No, sir; I did not.

Q. What is the fact? A. I mean to say merit was considered first, and recommendations are secondary.

Q. That is you rejected—even if an unworthy man was recommended strongly politically, would you appoint him? A. No, sir.

Q. Or recommended his promotion or transfer? A. No, sir.

By Senator Bradley:

Q. Other things being equal, you gave preference to your own party? A. Yes, sir.

Chairman Lexow.—The committee stands adjourned until Friday, April 6, 1894, at 10:30 o'clock.

Proceedings of the ninth meeting of the committee, Friday, April 6th, 1894, at 10 a. m.

Present.—Senators Clarence Lexow, Jacob A. Cantor, and Daniel Bradley.

Appearances as before:

James J. Martin, recalled :

Direct examination (continued) by Mr. Sutherland :

Mr. Sutherland.—I offer in evidence, if the committee please, the watcher's certificate referred to in the evidence of J. C. Havemeyer. It is dated November 3, 1893, and signed by John S. Smith, chairman, and William H. Bellamy, secretary of the Republican county committee of the city and county of New York, and recites that in pursuance of the provisions of section 102 of chapter 680 of the Laws of 1890, the Republican county committee has appointed J. C. Havemeyer a watcher to attend the polling place of the thirty-eighth election district of the Second Assembly district, of the said city and county, during the election to be held on the 7th day of November, 1893.

Paper marked "Exhibit 1" of this date.

The Chairman.—Is there any objection, Mr. Nicoll?

Mr. Nicoll.—No objection.

Mr. Sutherland.—I have already shown it to Mr. Nicoll.

Q. Mr. Martin, as the evidence closed on Saturday, we were talking about the trial of Captain Price, and if I understood

you correctly you advised the committee that there was some doubt in your mind about the guilt of Captain Price? A. Yes, sir.

Q. And that was a reason why a more severe penalty was not inflicted than a matter of five days' pay? A. Yes, sir.

Q. So I understand by that if you had really believed him to be guilty of the offense charged, the punishment would have been greater? A. Yes, sir.

Q. You do regard the offense that is charged against Captain Price as a very serious one, do you not? A. As a serious one; yes, sir.

Q. A willful disobedience of commands of a superior officer with regard to closing a disorderly house is a most heinous offense, is it not? A. Quite a serious offense.

Q. It is more than quite a serious offense, is it not? A. We regard it as a serious offense; yes, sir.

Q. It is a serious offense for a policeman to get drunk, is it not? A. Yes.

Q. But it is a more serious offense to disobey a command to close a disorderly house? A. I say it is a very serious offense; yes, sir.

Q. And, if you had really believed Captain Price guilty of that offense, you would have punished him by a more severe punishment than a five days' fine? A. I would; yes, sir.

Q. Did you vote for his conviction? A. Yes, sir.

Q. Did all the other commissioners vote the same way? A. Yes, sir.

Q. Did you convict an innocent man? A. No, sir; I said there was a doubt about it in our minds.

Q. When you voted for his conviction did you believe he was guilty? A. To a certain extent.

Q. What do you mean, "To a certain extent?" A. Well, that these police officers got into this house — the police officers sent from the central office — they got into this house and succeeded in getting some evidence, on which a warrant was obtained.

Q. What had that to do with Captain Price? A. The captain claimed, and his evidence tended to show, that the house had been closed for months; that nothing was doing there.

Q. Did you believe that evidence? A. Well, it was conflicting; and I say the commissioners were in doubt about it.

Q. Did you believe Captain Price's evidence? A. To some extent; yes, sir.

Q. Which part of it did you believe? A. Well, I believed that the house was not openly engaged in business, although there

might have been some business at some time when the captain was not aware of it.

Q. You mean to say you believe that cases of prostitution were being committed in that house, but not openly; is that it? A. That might be so.

Q. Is that what I understand you? A. There was no proof there was any cases of that kind there.

Q. There were proofs that immoral women were there? A. Well, yes; there was to some extent; there were two women there.

Q. What do you mean to some extent; immoral to some extent? A. No, sir, I did —

Q. What do you mean? A. The testimony was not very strong on that point; I mean there were two women there, but there was nothing very immoral shown to have been committed at the time the officers were there.

Q. Was there any doubt about the character of the women that were found there? A. I don't know anything about that, except the evidence.

Q. They found this man guilty? A. Yes, sir.

Q. Was there any doubt in your mind as to the character of the women that were found there? A. I believ^e they were improper women; yes, sir.

Q. Any doubt in the minds of any of the commissioners on that subject, was there? A. I think not.

Q. These immoral women were actually inmates of that house? A. I believe they were, that night.

Q. What do you mean by "some extent?" A. I mean the testimony was very weak as to any immoral practices that night.

Q. Any immoral practices that night? A. Yes, sir.

Q. I understood you to say on your examination on Saturday that it appeared before you that there was no difficulty in getting evidence against that house? A. I said there was a great deal of difficulty in getting evidence against this house.

Q. It was proved before you, was it not, that some four weeks had been given to Captain Price in which to close this house; wasn't it? A. I can't recollect the exact time; I think there was several weeks; yes, sir.

Q. When did this trial take place before you? A. It was early in March, I think.

Q. March 6, wasn't it? A. March 6; yes, sir.

Q. Thirty days ago? A. Yes, sir.

Q. And a full account of that trial was published in the World of March 7th, was it not, as well as other newspapers? A. There were accounts published in the newspapers; I do not recollect particularly as to the accounts.

Q. Did you ever look that over? A. To some extent.

Q. Were the accounts reasonably correct? A. I don't know about that.

Q. Did you examine the accounts? A. I did not examine that carefully.

Q. There was a two column article, was there not, in the New York World of it; wasn't there? A. I do not remember, sir.

Q. I show you a clipping from the World of March 7, and ask you whether that refreshes your recollection any as to the length of the account that was given in the World of March 7 of that trial? A. I suppose that is a report of the trial.

Q. Did you look it over after it was published? A. No, sir; I did not.

Q. And you could not say whether it is a truthful account of that trial or not? A. I can not say that.

Q. The charge against Captain Price was that he had failed to suppress the houses at No. 528 and 530 Seventh avenue, wasn't it? A. Yes, sir.

Q. Now it was proved before you that that house was raided about how long before the trial took place? A. I think it was the 22d of February.

Q. The 22d of February it was raided? A. If I remember correctly.

Q. Was it sworn before you that Detective Sergeants Titus, Valley and Grady were sent to investigate this house? A. Yes, sir.

Q. That they visited that house February 14th? A. Yes, sir. sir.

Q. That they were taken into the parlor by the housekeeper, Emily Lewis? A. No, sir; that was not the case.

Q. That is not sworn to? A. That is not as I recollect it.

Q. Was it sworn to by them that on the evening of February 16, they visited the house again? A. Yes, sir.

Q. And they were informed the girls had gone to the Arion ball? A. Yes, sir.

Q. And they were invited to call again? A. Yes, sir.

Q. That they accepted that invitation? A. Yes, sir; and they did call again.

Q. The following night? A. Two of them, I believe.

Q. The following night, was it not? A. Yes, I believe it was.

Q. February 17? A. Yes, sir.

Q. And found a couple of girls there? A. I do not recollect it was the following night; it was a day or two afterward; they called within a night or two.

Q. And called in response to this invitation? A. As they suggested.

- Q. Nobody disputed that evidence, did they? A. No.
- Q. And when they called the next time they found a couple of girls there? A. They were introduced to two girls, yes, sir.
- Q. And had a wine party? A. Had one bottle of wine.
- Q. And various acts of lewdness were proved? A. Very little, sir.
- Q. What was proved? A. I think there was one officer said some exhibition of hosiery; I think that is the expression he used.
- Q. Anything else? A. No, sir.
- Q. Did the girls come and sit on their laps? A. Yes; each one of them swore to it.
- Q. Is that when they exhibited the hosiery? A. I don't recollect that particular time.

Mr. Nicoll.—I object.

Mr. Sutherland.—This man states he has doubts of the guilt of Captain Price.

Mr. Nicoll.—He has stated the evidence was conflicting on the trial, and as a matter of discipline they found the captain guilty of neglect, but they did not impose a more severe punishment because there was some doubts as to whether or not neglect could be properly imputed to him. I think that is a fair statement of the position of the commissioner upon the subject, and there is not much profit to this committee in going over the evidence of all these trials, which, as counsel himself says, was fully made public and has been read and heard and discussed.

Chairman Lexow.—One of the functions of the police commission is the judicial function, and it is very pertinent to this inquiry, in order to enable the Legislature to ascertain whether or not this function should be left with the commissioners, to determine whether or not, in a specific case of this kind, they had been known to exercise that function with propriety.

Mr. Nicoll.—I understand so far as that suggestion of the committee is concerned, that the committee have already made a report to the Legislature, through its chairman, and that they have prepared a bill upon that report and have introduced the bill and have passed it through one branch of the Legislature. Now, unless the committee intends some new and different legislation from that which has just been adopted, how can the testimony be proper in that respect. Of course, if the committee intend to make a new report and repeal the bill just introduced and pass another bill, why, it may be that all this evidence will be proper.

The Chairman.—It is the purpose of this investigation to ascertain whether or not there should be other and different legislation from that already had.

Mr. Cantor.—I suppose the bill in the Assembly will be suspended during the investigation?

Chairman Lexow.—Oh, no.

Mr. Sutherland.—No doubt the gentleman would rather have the investigation cease. Can I go on?

Chairman Lexow.—Yes.

Mr. Nicoll.—Unless it is proposed to modify existing legislation, or legislation at present proposed by some other legislator.

Mr. Sutherland.—Proposed by you or by the committee?

Mr. Nicoll.—Proposed by the committee.

Senator Cantor.—No; proposed by the chairman of the committee. This is a bill of the chairman of the committee.

Mr. Nicoll.—I suppose there is a report by the chairman of the committee in the form of a very eloquent address, and I assume that was practically agreed upon by the majority of the committee.

Senator Cantor.—The bill was voted for by a majority of the committee.

Chairman Lexow.—It is unnecessary to continue this.

Senator Bradley.—Wasn't that bill introduced before this investigation was commenced?

Senator Cantor.—Yes; but was adopted since.

Mr. Nicoll.—It was a piece of legislation which was adopted by the committee, introduced, as I understand, after the appointment of the committee and adopted by the committee.

Senator Bradley.—I can assure you, as one member of the committee, I never was consulted.

Senator Cantor.—Of course, it was never expected that you would be.

Chairman Lexow.—It is unnecessary to continue this argument. The committee understands its labors are not to be cut short by the passage of any legislation at this session.

Senator Cantor.—That has not been determined by the Senate yet.

Chairman Lexow.—I hope it will be.

Mr. Sutherland.—Your retainer is complete, I suppose, to extend through to the end of this month.

Mr. Nicoll.—It has not been provided for by the Legislature.

Q. Don't you think that Captain Price's men could have obtained the evidence as easily as Superintendent Byrnes' men obtained the same evidence? A. No, sir; I do not.

Q. Why not? A. Well, Superintendent Byrnes' men are men better adapted for that purpose, and according to their testimony, they showed that they went to this house, and some of them were in dress suits, one of them at least was in dress suit, representing themselves as strangers to the city from the

west, and by ordinary means they obtained entrance into the basement; at that time the evidence went to show, including that of the inspector of police, who was in command of that particular district at the time—Inspector Conlin testified he had visited that place about that time, had personally examined it, tried the door, rung the bell, and knocked on the windows, and the place was closed.

Q. Did you understand by that that nobody lived there? A. Yes; there was somebody living there; there was a colored servant, and—

Q. Nobody claimed it was locked? A. No; there was somebody living there.

Q. You mean no immoral practices were going on? A. No person was admitted in answer to the ringing of the bell; the inspector was in citizens' clothes at the time.

Q. Do you wish the committee to understand that Captain Price had no men in his command, or subject to his command, who could have obtained the same evidence that Superintendent Byrnes could have obtained? A. That was the testimony of himself and his men.

Q. Do you want the committee to understand that was the case in Captain Price's district? A. At that time; yes, sir.

Q. Has there been any change in his precinct since? A. No, sir.

Q. He is still destitute of the right sort of men to discover the existence of crime in his district? A. So far as I know, they are not any better now.

Q. When did you first wake up to the fact that his men were unable to obtain evidence against disorderly houses? A. On this trial, when the case was brought before us in his precinct.

Q. And what steps have you taken since that trial to remedy that defect? A. We have not taken any.

Q. What steps do you intend to take, if any? A. We shall change the men, if they can not do better.

Q. What men? A. His special men, connected with that business.

Q. Who are they? A. He has two wardmen.

Q. What are their names? A. They are men that particularly look after that ward business; I do not recollect their names now; one of them is named Hay, I think.

Q. Have you ever questioned these wardmen? A. I have not.

Q. Have any members of the board of police commissioners, as far as you know? A. No, sir; I don't think they have; not that I know of, anyhow.

Q. Has Captain Price made any complaint of incompetency against these men? A. He has not.

Q. Or their inefficiency? A. No, sir.

Q. Have you any better men on your force than these two?
A. They seem to be fairly up to the standard.

Q. These two are up to the average, are they? A. They seemed so on the trial.

Q. Can you now name to the committee any ward detectives who are better qualified, better equipped, or more successful than these two who served under Captain Price in this instance?

A. No, I can not.

Q. Do you think it would be possible to get better men for such duty? A. It might be possible; yes, sir.

Q. Do you know the men that Superintendent Byrnes sent there? A. I know them as officers in the department.

Q. How many men has he of that calibre? A. The detective sergeants are 40 in number.

Q. Forty? A. That is a special force of detectives, called detective sergeants.

Q. And these were three out of that 40? A. No; two of the 40, and one a patrolman, who was detailed to the detective bureau for some work.

Q. How many patrolmen are there detailed for that work? A. I should say he had 15 or 20 of that kind; may be more.

Q. Making about 60 all told? A. Yes, sir.

Q. And these were three out of that 60? A. Yes, sir.

Q. These were an average three, you think? A. They were pretty capable men.

Q. Were they below or above the average of the 60? A. I should think they were very good men; I should say so.

Q. Undoubtedly the evidence shows that; they went in where Captain Price said he would not go? A. I am not familiar with the capacity of the entire number, but I should think they were very capable men; that is as much as I can say on that subject.

Q. You can not say whether the other 57 are better than these? A. I think they are picked out by the superintendent for their capacity.

A. And can't you tell whether the three average up with the 57? A. I should think they did, if they are not above the average.

Q. You would not say they were above the average? A. No; they certainly were up to the average.

Q. Commissioner, have you ever discovered in any other instance than this house of Sarah Holland's that the ward detectives under the command of the captain of the precinct were deficient in their capacity? A. Yes, sir; we discovered it on the trial of the other captain.

Q. Captain Martens? A. Captain Martens.

- Q. On the same day? A. Yes, sir.
- Q. Who are his two men? A. I don't remember their names at this time.
- Q. Have you ever discovered them in any other instance? A. No, sir; we have not.
- Q. Thirty days have passed since you made that discovery? A. Yes, sir.
- Q. You have not removed these men? A. We removed one of the men of Captain Martens.
- Q. Which one was that? A. I think his name was Murphy.
- Q. You mean you transferred him to some other position? A. Yes, sir; remanded him from the detective force of the precinct to patrol duty of that precinct.
- Q. You have done nothing to the other three? A. No, sir.
- Q. Where did you get the man to take his place? A. We didn't get any man.
- Q. There is only one ward detective in Martens' district? A. We have not nominated the man in his place; the nomination comes from the captain through the superintendent to the board of police.
- Q. And the captain has not selected any? A. Not as yet, I think.
- Q. You have not taken any steps as to the other three? A. No, sir; we have not.
- Q. Have you commissioners ever consulted together as to the efficiency of these men? A. We talked about these men in connection with the decision of these cases.
- Q. Did you map out any plan of operation whereby you would increase their efficiency? A. We thought this man Murphy was inefficient, and we decided to remand him for that reason; we thought he was particularly inefficient.
- Q. That was not in Price's case? A. No, sir.
- Q. What did you decide to do as to the Price men? A. We have not decided anything.
- Q. Have you talked that over? A. Yes, sir.
- Q. Have you discussed any method by which you would find better men? A. No, sir; we have not.
- Q. How did Byrnes get these 60 men he has picked up? A. From his experience, I suppose.
- Q. Where did he find them? A. In the department.
- Q. All of them? A. I think so.
- Q. Are all of his detectives enrolled in the department? A. Yes, sir.
- Q. They are not all policemen? A. All policemen; yes, sir.

Q. The city contains about how many inhabitants? A. And all the ward men of the various captains are recommended to us by the superintendent.

Q. Through the captains? A. Through the captains.

Q. The captains nominate them to the superintendent? A. And the superintendent indorses them to us; the board does not personally see those men; we do not personally examine them as to their qualifications; we take it for granted that a man nominated by the captain and sent to us by the superintendent is usually fitted for the place.

Q. And yet, you have taken no steps to secure the selection of better men by the captains? A. No, sir.

Q. This city contains how many inhabitants? A. About two million.

Q. And your total detective force is what? A. We have 40 regular detectives—detective sergeants—and an additional force, I should say, of 20 or thereabouts; that is the regular detective force of the city.

Q. Including the two ward detectives? A. And including the ward detectives, we have about 70 of those, two for each precinct, making in all about 125 or 130, I should think.

Q. And if these men should die, don't you think it would be possible out of the 2,000,000 of people to find men equal or their superiors? A. Yes, sir; I think so.

Q. Why haven't you found somebody to take the place of Captain Price's men? A. I think it is the duty of the captains and superintendent to do that work.

Q. Why haven't you sent for the captain and instructed him to do that? A. So far as Captain Price's men are concerned, I am not satisfied that they are inefficient; I was not satisfied on that trial that they were inefficient.

Q. You told the committee they were unable to get the same evidence Byrnes got? A. They showed considerable activity in that direction; I am satisfied they were unable, any of them, to get in.

Q. Why is it Mr. Byrnes' men could get in and they could not?

Mr. Nicoll.—I object to it. Hasn't that gone far enough?

Chairman Lexow.—I think the witness might answer that one question, and we will stop it.

The Witness.—I can not answer it. They did their best; that is all I can say.

Q. And it was on their evidence, and the evidence of Captain Price and Byrnes' men, that you found Captain Price guilty? A. Yes, sir.

Q. You were telling us, on Saturday, of a visit which you made to the executive committee of Tammany Hall, with regard to the reprehensible practices of policemen belonging to political clubs; you are the chairman of the general committee of Tammany Hall? A. No, sir.

Q. What position do you hold in that committee? A. I am chairman of the executive committee.

Q. And it was to members of the executive committee that you went? A. Yes, sir.

Q. Who composed that executive committee? A. Up to this year they were composed of one member from each Assembly district.

Q. Who were they? A. I can't recollect them all by name.

Q. Who was the leader in the first district?

Senator Cantor.—What is the object of this testimony.

Mr. Sutherland.—I am going to find out who this man talked to.

Senator Cantor.—He talked to the executive committee. What has that to do with the police department?

Mr. Sutherland.—He said he talked to them about the police department.

Q. Was Michael C. Murphy the member from the first district? A. He was the member.

Q. He is the member at this time? A. Yes.

Q. He was one of the excise commissioners of this city? A. Yes, sir.

Q. Was he present? A. I don't remember who was present.

Q. When was that meeting held? A. In Tammany Hall.

Q. When? A. I think it was the early part of 1893; that is my recollection of it.

Q. Was Patrick Divver one of the members of that committee? A. Yes, sir.

Q. From the second district? A. Yes, sir.

Q. Was he personally at that meeting? A. I don't say he was.

Q. Was Timothy D. Sullivan one of the members of the committee? A. Yes, sir.

Q. Was he present at that meeting? A. I don't remember that he was present.

Q. Was Coroner Fitzpatrick a member of that committee? A. Yes, sir.

Q. Was he present at that meeting? A. I don't recollect that.

Q. Was P. J. Scully a member of that committee? A. Yes.

Q. Was he present? A. I don't remember.

Q. Was your brother, Martin, a member of that committee? A. Yes, sir.

Q. Was he present? A. I don't remember.

Q. Was James W. Boyle a member of that committee? A. Yes, sir.

Q. Was he present at that meeting? A. I don't remember; I say that to each one of them.

Q. Was John F. Scannell a member of that committee? A. Yes, sir.

Q. Was he present? A. I don't remember.

Q. Was Charles P. Murphy present? A. I don't remember.

Q. Was your colleague, John C. Sheehan, present? A. I don't remember that; I think he was.

Q. He was a member of the committee? A. Yes, sir.

Q. And is still? A. Yes, sir.

Q. Was William Dalton, another excise commissioner, present? A. I don't remember that he was.

Q. Was he a member of the committee? A. Yes, sir; he was and is.

Q. Can't you tell anybody that was present? A. I don't remember; they were pretty generally present; that is all I can say.

Q. How many were there all together? A. There were few absentees, however.

Q. And there were 30 all told? A. There were 30 all told last year.

Q. And of those 30 nearly all were present? A. I think they were.

Q. Were you in the chair? A. I was.

Q. And did you bring up this subject from the chair? A. I left the chair temporarily.

Q. What did you say to those people about it? A. I said to them that my attention had been called to the fact that many police officers had connected themselves with the social clubs in the various Assembly districts, and that in many cases my information was that they had connected themselves with several clubs, with a view of getting political support for various promotions and matters they were interested in in the police force, and that I thought it was an improper thing; I thought it was injurious to the police force, and of no benefit to the clubs; I thought, so far as possible, they should discountenance that practice, and stop it.

Q. What else? A. Substantially that was all.

Q. What action was taken on that? A. There was no action taken officially at the meeting.

Q. What unofficial action was taken? A. None that I know of; it was left in that shape.

Q. Nobody replied? A. No, sir.

Q. You don't know whether your remarks met with favor or not? A. I had some conversation afterward that I thought they did.

Q. With who? A. With various of these members.

Q. Which one? A. I can not specify.

Q. Did you talk with Mr. Sheehan afterward? A. I don't remember that I did, sir.

Q. Did you ever have any talk with Mr. McClave about it after that? A. I don't remember that I did.

Q. Did you have any talk with Mr. McLain about it? A. No, sir.

Q. You haven't talked with any of these gentlemen at any time except as Mr. Sheehan might have been present and heard you talk of this executive meeting of Tammany Hall? A. Yes, sir.

Q. You were telling us on Saturday, that after your commissioners received their protest with regard to policemen going about in citizen's clothes and thereby learning who was violating the Excise Law — you were telling us in that connection that one of your reasons for discouraging that practice was that it would have a tendency to induce the policemen to collect money from saloon keepers? A. Yes, sir.

Q. And you stated that this committee complained to you that some of these officers were taking advantage of their opportunities? A. That is my recollection of it.

Q. And that they intimated they were taking money from some of the saloon keepers? A. Yes, sir.

Q. Did they intimate who these men were that were taking money? A. No, sir; they did not.

Q. Did you ask them who they were? A. I do not recollect the exact conversation, on my speaking; but that is my impression I had that something was said about that; these men going around in citizen's clothes had opportunities to take money from the saloon keeper; that is as much as I can tell you about it, at that time.

Q. Did you inquire who these men were that you refer to? A. I have endeavored to ascertain, yes, sir.

Q. From whom have you made efforts to ascertain? A. I have made inquiries from different people.

Q. Who are they? A. I don't recollect now who they are.

Q. How many people have you inquired of? A. Not a great many; sufficient to ascertain the truth whether that was going on.

Q. Can't you tell us the name of one person of whom you inquired? A. No, sir; I can not; it is some time ago.

Q. Can you tell us the business of the people who you inquired of? A. No, sir; I can not.

Q. Did you inquire of the saloon keepers? A. No, sir; I did not.

Q. They would have been apt to know, wouldn't they? A. Yes.

Mr. Nicoll.—One moment, please; Mr. Sutherland, I do not understand that this committee of Citizens' League, or whatever it was made this address to the police commissioners, made any specific charges that any particular police officer has been guilty of practice of that sort.

Mr. Sutherland.—Yes.

The Witness.—No specific charges, no, sir.

Mr. Nicoll.—They charged the employment of police officers in citizen's clothes as spies, would give them opportunities of that sort.

Mr. Sutherland.—More than that. You look at page 729 and read your client's testimony, and you wont make that qualification. Seven hundred and twenty-nine, where he says these men intimated these men were taking money from the saloon keepers—actually were taking it.

Q. You say you did not go to any of these saloon keepers to find out whether that was true or not? A. No, sir.

Q. Did you go to the ward men that had gone around in citizen's clothes? A. I did not.

Q. What better source of information could you select than the saloon keepers themselves? A. I had no opportunity of meeting the saloon keepers themselves on that subject.

Q. Couldn't you have sent for them to come to your office? I suppose I could send for them, but did not do it.

Q. You would not regard it as a slight offense to collect money in that way, would you? A. No, sir; I regard it as a very serious offense.

Q. A very heinous offense? A. Yes, sir.

Q. And would arouse your deepest indignation? A. Yes, sir.

Q. And would bring upon the head of the offender a great punishment? A. Yes, sir.

Q. Tell what steps you took? A. I had some conversation with superintendent of police on that subject.

Q. When? A. At that time.

Q. Where? A. In his office or in my office; I can not remember which.

Q. Well, at that time your conversation with the committee was not in the presence of the superintendent? A. No; it was not; certainly not.

Q. How long after the committee met there, did you have this talk with him?

By Chairman Lexow:

Q. Was that Superintendent Byrnes? A. I don't recollect whether it was or not; I do not remember whether Superin-

intendent Byrnes was acting in command or not at that time in the place of Superintendent Murray; the record will show; Superintendent Murray was there at various times, and was present at different times; I had some conversation, however, that I remember.

Q. To whom else did you apply? A. To no one else.

Q. No one else except the superintendent? A. No, sir.

Q. Did you think the superintendent would have any personal knowledge on the subject? A. I thought the superintendent might be able to get information about it; yes, sir.

Q. Do you know what steps the superintendent took to get information? A. I do not.

Q. Did you ever inquire of him? A. No, sir; I did not.

Q. Did you ever receive any report from him? A. No, sir.

Q. Had you ever heard it charged before that policemen were taking money? A. I had heard rumors about it; yes, sir.

Q. From whom? A. I can not answer that.

Q. What do you mean by rumors? A. Vague rumors; I don't know but I might have noticed something in the papers about it.

Q. More than once? A. I don't remember that.

Q. If you noticed only once, it would make some impression on your mind, wouldn't it? A. There was some impression made on my mind.

Q. How long before this communication came to you? A. I do not remember whether it was before that communication came or after that communication came; I am inclined to think it was afterward; it was probably brought out by the fact that this communication was sent to us, and I think the action taken by our board created some discussion.

Q. Did this notice in the paper refer to a collection of money by these persons going around in citizen's dress? A. Something to that effect.

Q. It did not refer to policemen collecting money under other circumstances? A. I do not recollect about that.

Q. Did it refer solely to collecting money when they went about it in citizen's dress on Sundays? A. I won't say that; it refers to the collection of money by police officers.

Q. You think that was after this interview with the committee? A. I think it was afterwards.

Q. Did you take any steps to investigate that charge? A. Nothing except I talked with the superintendent on one or more occasions about it; I think I had talked with him several times.

Q. When did you talk with Mr. Byrnes about it? A. At police headquarters.

Q. When? A. I can not fix the time clearly; I think it was probably following the action of our board. ,

Q. How soon after that action? A. Some time afterwards, I think.

Q. You mean a couple of days or a couple of months? A. I mean in a month or so.

Q. What was your talk with Mr. Byrnes? A. I said I had heard these stories about police officers collecting money from saloon keepers.

Q. Yes? A. And he said of course he had heard something about it himself; he did not believe there was much truth in it, and he would look into the matter and see if there was anything in it.

Q. Do you know whether he ever did or not? A. I don't know what action he took about it.

Q. Did you ever inquire what he had done? A. No; I did not.

Q. Did you ever receive any report from him? A. No, sir.

Q. Then you dismissed the subject from your mind? A. Yes; to a very great extent.

Q. Has your attention been called to that subject subsequently? A. I don't think it has; that is, not within a year or more; that is, for probably two years I have not heard anything about it.

Q. Nobody suggested to you within the last two years that the police were charged with collecting money? A. No, sir.

Q. You know Mr. Parkhurst? A. I know him; yes, sir.

Q. He has been sending communications to you right along, has he not? A. Some.

Q. Has he made any charge of that sort in his communications? A. No, sir.

Q. Has he made that same charge in the newspapers? A. I don't know that he has; I have forgotten; he has made a great many charges.

Q. Have the newspapers themselves made that sort of charges against the policemen? A. I don't know that they have, either.

Q. You say within the last two years? A. Yes, sir.

Q. And you heard charges of this sort prior to the last two years? A. Well, about the same time that the board of police took this action, sometime in 1891, I think there was some talk about that.

Q. Was there any talk about that, aside from this particular protest of these citizens? A. There was some rumors I had heard; yes, sir; I never could get any facts about it; there was never any facts submitted to me.

Q. From whom did you hear these rumors? A. I heard them as common talk.

Q. On the streets? A. Yes.

Q. And did you inquire of the people who gave you this common talk, the source of their information? **A.** I asked if they had any facts about it, and they never could give any.

Q. Can you tell us the name of any person of whom you inquired? **A.** No; I can not.

Q. Was there more than one person? **A.** I should think there was several.

Q. Have you heard it charged from any source that the police of the city permitted for any reason whatever the existence of houses of prostitution, gambling houses, policy shops, the sale of liquor on Sunday, and the like? **A.** Yes, sir.

Q. How long ago was that notion first broached to you? **A.** I first learned of it about the time that our friend, Dr. Parkhurst, commenced his crusade.

Q. You have heard it very frequently since then, haven't you? **A.** Yes, sir.

Q. It is a matter which has been very generally discussed throughout the community, hasn't it? **A.** Yes, sir.

Q. And a great many people have talked to you about it? **A.** Yes, sir.

Q. Has your attention ever been called to any specific instances? **A.** No, sir.

Q. Never? **A.** Never.

Q. Do you mean to say that a number of places have not been pointed out to you from some quarter? **A.** No, sir.

Q. No particular place?

Mr. Nicoll.—You mean particular places as places of paying money?

Mr. Sutherland.—No.

Mr. Nicoll.—What do you mean by that?

Mr. Sutherland.—I mean by what I am now asking about, places that are permitted to run in violation of law, without regard to the reason of it. Do I make myself clear to you?

The Witness.—Yes.

Mr. Sutherland.—The commissioner said he understood.

Q. Was there any change in the status of the poolrooms of the city of New York immediately after the last election?

Mr. Nicoll.—What is this subject now?

Mr. Sutherland.—I ask him whether there was any change in the status of the poolrooms in the city of New York immediately after the last election.

Mr. Nicoll.—The election of 1893?

Mr. Sutherland.—Eighteen hundred and ninety-three.

The Witness.—I don't think they were; no, sir.

Q. Was your attention called to the existence of poolrooms in the city after the last election? **A.** No, sir.

Q. You sometimes read the World? **A.** Occasionally; yes, sir.

Q. Did you read the issue of Sunday of November 12, 1893?

A. No, sir; I don't know that I did.

Q. In which it was pointed out that the old place over 34 Park row was again in full blast? A. I did not read it.

Q. Do you know of any such place as that? A. No, sir; I don't; I know there has been some pool selling down there in Park row for a number of years before the passage of that act of the Legislature of 1893.

Q. And you don't understand that it was charged that that poolroom opened next door to 34 Park row immediately after the election? A. No; I do not; I understood there was some charge against poolrooms that were running, in a way, some time during the winter of 1893 or 1894.

Q. One of those was on the north side of Great Jones street? A. I don't know, sir.

Q. Between the Bowery and Broadway? A. I don't know as to any place.

Q. In a room back of the saloon? A. I don't know that.

Q. You say it was charged generally that they were open? A. Yes, sir.

Q. By whom was it charged? A. I had heard of it, and had spoken to the superintendent about it.

Q. From whom did you hear it? A. I don't remember; I may have noticed it in the newspapers; I can not recollect now.

Q. You say you spoke to the superintendent about it? A. Yes.

Q. What did you say to the superintendent about it? A. I said to him I heard some of these poolrooms were attempting to run in violation of the law.

Q. Is that what you mean by "a way?" A. Yes, sir.

Q. They were attempting to run in violation of the law? A. I don't mean that as the way, but in a mid way, as compared to what they had been; that is, they were doing what is known as a ticker business, as I understood it.

Q. What do you understand by a "ticker" business? A. Well, they have a place where there is a ticker 99 telegraph instrument — where the names of the horses and the odds come in on the tape; and they were doing business around that ticker instrument in a small way, making odds as to the horses.

Q. You had heard that from somebody? A. I had.

Q. And you spoke to the superintendent about it? A. Yes, sir.

Q. And did you direct him to do anything? A. The superintendent did not seem to need any directions; he seemed to be quite willing to do everything he could in that direction.

Q. Do you know what he did do? A. I don't know; he never made any special report; he told me nothing of that kind should go on.

Q. Do you remember when this interview was had with the superintendent? A. I can not fix the time, but it was some time after the adjournment of the Legislature, and I should think some time in the fall of 1893; it might have been some time after the election, or before it; I am not clear which; I think it was after the election; that is my recollection.

Q. Do you recollect a time when the Paulist Fathers made a complaint on that subject? A. No, sir; I do not; I do not remember it.

Q. Do you remember there was published in the New York World on Monday, December 18th, a long article on that subject, containing, among other things, a statement of the Paulist Fathers? A. No, sir; I do not.

Q. Was your attention ever called to this statement made by them: "We learn with regret that a number of policy-shops are in operation in this neighborhood; we wish to have it distinctly understood that this business is condemned, and we warn all members of our congregation against this new source of temptation and danger especially to our young men?" A. That is the policy-shops?

Q. Yes. A. I do not recollect that statement.

Q. Do you recollect that they charged: "It is a fact that these places are increasing in number in this part of the city; they are mostly on Eleventh avenue, among the poor people, who can least afford to waste their money in such a way; one of the places, I am told by a number of people, was a polling place at the recent election, and was so designated by the police commissioners?" A. I do not know anything about that, sir.

Q. Was that statement ever brought to your notice? A. Never.

Q. Would you not think that some friends of yours would go and warn you of such a charge as this? A. They did not do it.

Q. Was this the first you heard of it? A. Yes; this is the first I ever heard of it.

Q. There were a good many things that was said in the papers of this general character? A. Yes.

Q. And some of them came to your attention? A. Yes, sir; I never heard of that before.

Q. You never heard of that before? A. No, sir.

Q. Was the subject of the police taking money a matter of discussion there in the police board? A. No, sir.

Q. Did you have a meeting of the police commissioners on the 19th of December, 1893? A. We had a meeting about that time; I can not say as to that exact date; what day was it—the day of the week?

Q. That would be Tuesday. A. That is our usual meeting day; yes, sir.

Q. Was the conduct of Captain Schmittberger and Captain O'Connor brought before the commissioners at that meeting? A. I do not remember the exact matter.

Q. Did Commissioner McLean at that meeting call for the letter-press book, so as to read the resolution theretofore adopted on the board? A. On what subject?

Q. And did you say, "I voted against the adoption of the original resolution, because I thought that the activity of Captain Schmittberger did not show any willful neglect on the part of Captain O'Connor, and for that reason I ask you, or anyone else, to furnish evidence that he has done so or has taken money for not doing his duty?" A. I said something to that effect; I do not exactly recollect as you read it so.

Q. And did Mr. McLean reply that he had not heard that before? A. Yes; he said something to that effect.

Q. And your reply, was it not that, "It seems to me it is in the public mind, and has been so stated in the press?" A. Yes, sir.

Mr. Nicoll.—What are you reading from now?

Mr. Sutherland.—I am reading from the New York World of December 28, 1893.

Q. What press had you seen that statement in before that day? A. I do not remember.

Q. There were statements by Dr. Parkhurst and newspaper comments on that from time to time? A. I do not remember what particular papers.

Q. Then you were pretty thoroughly imbued with the idea that the opinion was prevalent in the public mind? A. I thought it was in the public mind.

Q. And such an opinion was, of course, quite derogatory to the police of the city? A. Very generally so.

Q. If generally believed, it would certainly make them objects of contempt, even to the general public? A. Yes, sir.

Q. Didn't you think that the police should be defended against those charges? A. I did.

Q. And if they were not true, they should be disproved in the public mind? A. Yes, sir.

Q. Didn't you think that the general prevalence of charges of that kind was detrimental to the discipline of the force? A. Yes, sir.

Q. And its tone and efficiency? A. I did; very much, sir.

Q. What did you do to restore the tone and efficiency to the police? A. The board of police was waiting for any evidence of that character to be brought to it.

Q. It's a case of masterly inactivity? A. No, sir; we have been waiting for evidence of that character, having invited it.

Q. There has been no cessation of these charges by the public? A. We have an investigating committee.

Q. As the result of those charges? A. I believe so, and we are waiting for the facts.

Q. What investigation has the police commissioners ever instituted to discover the falsity of those charges? A. No special investigation.

Q. Have you instituted any investigation? A. No, sir; we have invited any person who chose to make complaints of that character to submit them to our board.

Q. You have from three to four thousand men to arrest under those charges without taking any steps yourself to clear them or convict them? A. We have taken no steps further than that, as I say, to invite all persons who had any charges or facts on that subject to bring them to us.

Q. Who did you ever inform? A. The general public.

Q. How? A. By the resolution of the board.

Q. Where is that resolution? A. It was adopted in the meeting of 1891 that I refer to, the tail end of the resolution of 1891.

Q. But this matter came up on December 10, 1893? A. Yes, sir.

Q. What did you do then? A. Nothing, especially.

Q. Nothing specially? A. No, sir.

Q. And those charges have been made all through the summer and fall of 1893? A. We invited the Parkhurst Society to submit any charges they had in reference to the police and they refused to do it.

Q. When was that resolution passed? A. In 1893, at the time you refer to.

Q. Can we get a copy of that resolution? A. Yes, sir.

Q. Can you get it this afternoon? A. I should think so, yes; I will send a telephone message to the clerk of the board and he will get it here by 2 o'clock.

Q. Was that communication in reply to any communication received from Dr. Parkhurst? A. Yes, sir; it was.

Q. Will you have the communication as well as the resolution here? A. Yes, sir.

Q. Who else did you invite to bring proofs outside of Dr. Parkhurst's society? A. No other person.

Q. Who else? A. No other person appeared before the board or communicated with us on the subject.

Q. How else did you ever invite the presentation of evidence? A. No other way.

Q. Except by the adoption of these rules? A. That is all.

Q. That resolution was transmitted to Dr. Parkhurst's society?
A. Yes, sir.

Q. And was it transmitted to anyone else? A. No, sir; it was in reply to a communication received from his society.

By Senator Bradley:

Q. That was published in the newspapers? A. Yes, sir; published in the newspapers.

Q. Have you any clippings of these publications? A. I do not think there would be any difficulty to get them; I did not keep the clippings myself; it was published in full in all the newspapers at that time.

Q. At this time was your attention called by the World in particular of places that were running in violation of the law?
A. I think the World for a long time published any number of places where policy was being played, and so on.

Q. Was your attention called by the World, December 20th, to the resort at 216 West Twenty-third street, kept by Mrs. Smith? A. Not that I recollect.

Q. Not that you recollect of? A. No, sir.

Q. Did the World ask you in that article whether any report with regard to the character of that place was ever made to you over the head of Superintendent Byrnes? A. I do not remember that, sir.

Q. Was no such report ever made to you? A. I did not recollect there was any such report.

Q. Do you recollect the place 216 West Twenty-third street?
A. No, sir; I do not.

Q. What the character of the place is? A. I know nothing of it.

Q. Do you remember that the World asked you whether a certain police captain, now in command of twenty-second precinct, knew this Mrs. Smith intimately? A. I do not remember; no, sir.

Q. Did you ever hear of such a thing as that? A. Never.

Q. Did the World ask you whether this captain "backed" the house, and whether everybody in that precinct didn't know the fact? A. I do not recollect it, sir; I did not read it.

Q. How, sir? A. I say I did not read it.

Q. Was your attention called to it by anybody? A. No; it was not.

Q. Did the reporters of the World ever visit you? A. No, sir.

Q. Never? A. They have reports at headquarters and from the office, I suppose.

Q. They never talked with you about this particular place?
A. This specific case; no, sir.

Q. Never? A. Never.

Q. Did they ever invite you to read these publications? A. No, sir; they wanted me to be interviewed; yes, sir.

Q. Mr. Martin, the rules and regulations of the department require that there be kept at police headquarters a list of all disreputable places, don't they? A. In the superintendent's office, I think.

Q. Does not Rule 31 require that there shall be kept at the office of the superintendent books of record in which shall be entered among others, "5. A record of houses of prostitution, assignation houses, gambling-houses, disorderly and disreputable houses of every kind in the city of New York, with the names of the owners and keepers thereof?" A. Yes, sir; that is the rule.

Q. That is the standing rule of your department? A. Yes, sir.

Q. It has been in force for years, has it not? A. For years; yes, sir.

Q. Are the police captains required to make reports from which this list is kept? A. They are required to make these reports.

Q. Make the reports from which this list is made up? A. I think that since Superintendent Byrnes has been superintendent he has required some additional reports from the captains in addition to those provided for in that rule.

Q. I did not read anything in the rules about the duties of the captains? A. Captains make those reports to the superintendent.

Q. This rule that I read requires transcribing of this memoranda in the book? A. I suppose they are transcribed from the reports.

Q. Did you ever examine these reports or this record? A. No, sir; I never have.

Q. Not even when the World called your attention to this specific case? A. No, sir; never; my attention was not specially called to what the World says; I did not notice it at the time, and I have never looked at these reports.

Q. Didn't you know that in the World of December 20th, you were asked pointedly about the reports that had been made by Captain Devery with regard to No. 204 Allen street, with regard to 23 Bayard street, with regard to 30 Bayard street, with regard to 101, 117, 128 Canal street, 91 and 173 Chrystie street, 8, 12, 78 Delancey street, to 70, 141 Eldridge street, to 109, 131 Forsythe street, to 21, 29, 33 Rivington street, to 137 1-2 Hester street? A. No, sir; I never read the article.

Q. Was your attention ever called to it? A. No, sir.

Q. Did you ever give Captain Devery any orders in regard to protecting these houses? A. Never in the world.

Q. Was it called to your attention that the World charged in this article that both you and Mr. Sheehan had given orders direct to Captain Devery in regard to protecting these houses named? A. I don't remember it, sir.

Q. Don't remember it? A. No, sir; I think I have heard something about them.

Q. About that article? A. About that particular part; yes, sir.

Q. From whom did you hear it? A. I don't remember.

Q. When did you hear it? A. About that time.

Q. About the time it was published? A. I suppose so.

Q. Did you send to get the article then? A. No, I did not.

Q. Then its purport was pretty well communicated to you? A. So far as that matter is concerned, I heard it.

Q. You think you heard it read? A. No; I do not think I heard it read, but heard it stated.

Q. So that you thought you knew pretty well what the World had published that day? A. Yes, sir.

Q. What did you do about it? A. Nothing; it was a lie; it was untrue in every particular.

Q. And to whom did you communicate the fact of its untruthfulness? A. I did not think there was any necessity of communicating it to anybody.

Q. Did you communicate it to anybody? A. I did not.

Q. You let the matter stand without any reply whatsoever? A. Yes, sir.

Q. Did you think that the men under Captain Devery would believe that publication true or not? A. I do not know whether they would or not; I know it was absolutely untrue.

Q. Of course, if the men under Captain Devery believed this charge to be true, it would weaken your influence certainly with them; would it not? A. I suppose it would.

Q. They would no longer have respect for you as their superior officer? A. I suppose not.

Q. How many men were there under Captain Devery? A. I should say close to 100.

Q. Almost all of them can read? A. They are all required to read.

Q. And they are in the habit of scanning newspapers, are they not? A. I suppose they are.

Q. When you were informed that this occurred in the newspaper, the World, did it not occur to you that some one of these 100 members might get hold of it? A. No, it did not occur to me.

Q. Or some of their friends might tell them of the charges in the World? A. I did not think of it.

Q. And that if the charge did come to their attention and they believed it to be true, there would be an end of discipline in the department, so far as you were concerned? A. I did not think so; no, sir.

Q. If the men believed that you were giving orders to Captain Devery to protect these particular places they would not have that respect for you as a superior officer? A. I do not think anything of the kind.

Q. I asked whether, if the men believed anything of that kind, they would continue to respect you as their superior officer?

Chairman Lexow.—It seems to me, Mr. Sutherland, and it seems to a majority of the committee, that his opinion upon that subject is not a matter of great materiality. Having evidence before us, we can judge whether he ought to come to that conclusion, as a reasonable man.

Q. I wish to have him tell the committee why it was he took no steps before to clear his skirts of this most heinous charge?

A. I want to say that I do not think a man in New York that knows me, thinks there was a word of truth in that statement.

Q. You do not think the World believed it when they published it? A. No, sir.

Q. Did you not sue the World for libel? A. I have not; no, sir.

Q. I suppose you know it had been charged that the police force were, and through your procurements, and that of your colleague Sheehan, put in domination of Tammany Hall? A. Yes, sir.

Q. And that charge has not been an infrequent one? A. It has been made on some occasions, I think.

Q. It has been made often? A. Yes, sir; probably so.

Q. But that charge has been published in the newspapers, has it not? A. Yes, sir.

Q. Published by the World? A. Particularly by the World; yes, sir.

Q. And very often in the World, has it not? A. Probably so; yes; since the 1st of January.

Q. Well, before the 1st of January, was it not? A. Very rarely, I think.

Q. Do you remember the article published December 26, 1893, in which it was charged "that the power of the police department has been perverted to inflict punishment on many of those who refused to be blackmailed to any extent by Tammany, and Commissioners Martin and Sheehan with Commissioner McClave are in fact the Tammany power of the police department; that Superintendent Byrnes has been powerless to prevent this; that the captains and roundsmen and patrolmen defied the superin-

terdent, disobeyed his orders, and followed the commands of irresponsible politicians;" do you recollect that was charged in the papers? A. I do not recollect that particular article.

Q. Do you know that it was charged that Mr. Martin and Mr. Sheehan was responsible for this condition of affairs because they had backed up Tammany heelers against the superintendent? A. I know that was stated in the paper.

Q. Yes? A. No; I do not.

Q. Of this article, or any other article? A. No; oh, I have heard it, as having been published in the World, I do not recollect any particular article.

Q. That same article has been published more than once, has it not? A. Substantially; yes.

Q. Have you seen it published in the World that the district leaders were the real captains of the police departments? A. I have heard it was so published.

Q. When did you hear that? A. About this time.

Q. About the time of this article of December 26th? A. Yes; and running along.

Q. For quite a while? A. For some time afterward; yes, sir.

Q. You heard that Tammany Hall district leaders were the real captains of the police of the city of New York? A. Yes, sir.

Q. And of course your acquaintance with the district leaders was intimate? A. Yes, sir.

Q. Did you believe the charge? A. No, sir.

Q. What steps did you take toward refuting it? A. I didn't think it worth while to take any steps.

Q. Then you did not take any steps? A. No, sir.

Q. Ever talk with anybody about it? A. No, sir; not particularly.

Q. Do you remember the charge?

Chairman Lexow.—Will you ask the witness whether he took action to ascertain whether or not these charges were true?

Mr. Sutherland.—Yes, I will get to that.

The Witness.—I know that was not true.

By Senator Bradley:

Q. Did you investigate it? A. I did not think it necessary to investigate it.

By Mr. Sutherland:

Q. Then you did not investigate it? A. No, sir.

Q. Did you inquire who wrote those articles? A. No, sir.

Q. Ever sent to the World to investigate these charges? A. No, sir.

Q. Ever take steps to bring about a cessation of these charges ?

A. No, sir.

Q. Ever remonstrate with anybody for the publication of them ?

A. No, sir.

Q. Did you know it was charged in this same article of the World that Mr. Martin and Mr. Sheehan have conspired to betray the department into Mr. Croker's hands, and that they have used the police for that purpose ? A. That was ridiculous.

Q. Do you know the charge was made ? A. Not particularly; no.

Q. You say it is ridiculous ? A. I do; yes, sir.

Q. And there was no foundation for any such charge ? A. Not the slightest.

Q. Did you know the World published a couple of columns of an incident which they claimed substantiated that very charge ?

A. The World publishes a great many things.

Q. Did you know the World published a couple of columns of an incident which they claimed substantiated that very charge ?

A. No; I did not.

Q. In its issue of December 26, 1893 ? A. No; I did not read that.

Q. Anybody call your attention to it ? A. No, sir.

Q. It would be news to you if I invited you to read some of them ? A. No; I don't think it would.

Q. Why not; where did you hear it ? A. I know the World has been engaged in a crusade against me for a number of months.

Q. They have been engaged in publishing specific facts, haven't they, or that which they claimed to be ? A. They have engaged in publishing specific lies against me.

Q. They made them very specific ? A. I don't know how specific, but I saw they were lies, so far as I was concerned.

Q. You have been interested enough to glance over them ? A. Yes; I glanced at them.

Q. Casually ? A. Yes, sir.

Q. Never to see if they were kept up and published ? A. No, sir.

Q. Did you never examine them closely to see what they consisted of ? A. No, sir; I did not pay any special attention to them.

Q. And did none of your superintendents ever inform you of the specific character of some of these charges ? A. We have talked generally on the attacks of the World.

Q. Who is we ? A. Myself and some friends.

Q. What friends ? A. I don't recollect; my gentlemen acquaintances and friends, as I have met them.

Q. Very often? A. Quite frequently; a number of times.

Q. Did you ever go to the executive committee of Tammany Hall on that subject? A. I never did.

Q. You did not know they had any influence with the World? A. I should not think they had; no, sir.

Q. Do you remember that it was charged in the World that if you were to look over the records in the police department and read of the transfers of Sergeant Schryer of Fourteenth Street and East Fifth Street station to the first precinct of Old Slip station, you might then recall your interview with Mr. Roesch in regard to Schryer? A. I do not remember that, sir.

Q. Does my reading of it refresh your recollection any? A. No; not particularly.

Q. Did you have an interview with Mr. Roesch in regard to Mr. Schryer? A. I do not recollect that I had; I do not remember the first thing about it.

Q. Did Mr. Roesch go to police headquarters and interview you with regard to the transfer of policemen under Captain Schryer? A. He has been to me about the transfer of policemen.

Q. Did the transfer of Mr. Schryer result in consequence of this? A. I do not remember, sir.

Q. Sergeant Schryer? A. I do not remember, sir.

Q. What grievance did Mr. Roesch make known to you? A. He made no grievance known to me.

Q. Made no complaint to you? A. No.

Q. Why were they transferred; in the interest of the officer? A. I suppose his request was; I suppose it was in the interest of the officer; we have these requests come frequently.

Q. And men are also transferred as a matter of punishment sometimes, are they not? A. Sometimes; yes, sir.

Q. This is a way of punishing them, is it not? A. Sometimes; yes, sir.

Q. And in some instances you said they are transferred for a cause? A. Yes, sir.

Q. There has been a large number of that kind in the last few years, haven't there? A. Yes, sir; a number of these.

By Chairman Lexow:

Q. Who authorizes the transfers? A. The board of police.

Q. Unanimously? A. Yes; I think so; as a rule.

Q. In this particular case? A. I don't remember this particular case at all.

By Senator Bradley:

Q. Don't a majority rule in the board; that is, of course, it don't require a unanimous vote? A. No; whatever action was taken in any transfer, was taken by the board of police.

By Mr. Sutherland:

Q. Was it brought to your attention that the World charged upon you the responsibility for excise arrests in the Seventh Assembly district over the heads of captains, and solely to punish offenders against Tammany? A. No, sir; it was not brought to my attention.

Q. Do you recall the case of Henry Bleier, the owner of the saloon on the northwest corner of Third street and First avenue? A. I never met him.

Q. And the publication in the World did not come to your attention? A. No, sir.

Q. Did you ever hear from anybody that he or anybody else owning that place had leased the hall above his saloon to Assemblyman Otto Kempner for the location of the headquarters of the Citizens' Democracy of the Seventh Assembly district? A. I did not hear of it.

Q. That the occupant of this saloon, Mr. Bleier, was a member of that organization and was also a member of the German Saloon Keepers' Protective Association of the Seventeenth ward? A. I never knew Bleier or anything connected with him.

Q. You know Captain Dougherty? A. Yes, sir.

Q. He was in command of that precinct? A. He was at that time.

Q. Do you know Detective Mallon? A. No, sir; I don't think I do; I do not think I have met the officer.

Q. Was he in that precinct? A. I think he was one of the precinct's detectives.

Q. Was it brought to your attention that soon after this saloon keeper opened that room for the headquarters, that, through Police Detective Mallon, he was arrested for violating the Excise Law? A. It was not brought to my attention.

Q. It was not? A. No, sir.

Q. Was it ever brought to your attention that the police were going about Mr. Kempner's district, and ordering his picture taken down? A. No, sir.

Q. Was it ever brought to your attention that Mr. Kempner had filed a written complaint to Superintendent Byrnes, giving the place, the street address and the names of the detective? A. Superintendent told me at that time that the complaint was made to him, that it was made; and that he was investigating it.

Q. Yes? A. And I had a conversation with the superintendent at that time.

Q. What was that conversation? A. We had a conversation generally about the complaint made by Mr. Kempner to him in reference to police interference.

Q. Yes? A. And that he was engaged in investigating it; I think that was substantially the conversation.

Q. Anything else? A. Not that I recollect, sir.

Q. Did he inform you that he had told these men it was their duty to act as policemen only, and not as political workers? A. I think he did.

Q. Did you understand they continued to act as political workers, notwithstanding that? A. I did not.

Q. Do you know it was charged in the World that there was on account of your overruling the superintendent? A. I did not, and did not interfere with him in any way; and did not overrule him on that occasion or any other occasion.

Q. Never? A. Never.

Q. How about these officers going around in citizen's clothes? A. That was the action of the board of police.

Q. Wasn't you one of those acting in that? A. Yes, sir.

Q. Then, in your capacity of commissioner, you did overrule him? A. No.

Senator Cantor.—He said the board overruled him.

The Witness.—I do not know that he overruled him; he never made any objection to it.

By the Chairman:

Q. I would like to ask you a question in regard to Mr. Kempner's charges; were those ever investigated by you? A. No, sir.

Q. By your board? A. They did not come to me, but came to the superintendent.

Q. You knew of their existence? A. Yes, sir; the superintendent told me about it; and made an investigation.

Q. The superintendent did? A. Yes, sir.

Q. Did you inquire into the fact in relation to the matter? A. No, sir; I did not.

Mr. Nicoll.—If the committee's recollection concurs with mine, I understood Mr. Kempner withdrew the charges, because he could not get justice.

Q. You knew that instance of charges, didn't you? A. Yes, sir.

Q. Did you not consider that the charges involving concerted action upon the part of the police against a candidate standing for political honors in a campaign, was a serious charge to make against the department? A. Yes, sir.

Q. And did you not consider those charges of sufficient gravity to investigate them? A. I do not consider I should investigate them; the superintendent was engaged in investigating them.

Q. Is it not customary to investigate charges made against the discipline of the force by the police commissioners? A. No, sir; we always refer that to the superintendent for investigation.

Q. Did you not sit as a trial court upon charges? A. After charges are made by the superintendent, or by any other superior officers of police; after the charges are made.

Q. In no other cases? A. In no other cases, no, sir.

Q. Do you mean to be understood that it is a rule of your department not to entertain a charge at all unless it comes to you with the seal or approval of one of your own officers? A. No, I do not say that; I say this, if Kempner had complained to the board of police direct about this matter, that the board of police would have referred to the superintendent for investigation.

Q. Then no matter what the notoriety of the charge may be; no matter what the gravity of the offense charged may be, unless it comes to the board of police commissioners through the instrumentality of the police department, you do not consider it your duty to investigate at all? A. I knew this particular matter was being investigated, sir.

Q. You do not consider it as a part of your duty as police commissioner, after knowing of the existence of such a grave charge against the discipline of your force, to cause an investigation yourself to be made? A. I did not; I thought the superintendent would make a thorough investigation.

Q. Did you inquire afterward to ascertain whether or not he had made a thorough investigation? A. Yes, sir; he told me he had.

Q. And you dropped it at that point? A. I dropped it at that point?

By Senator Bradley:

Q. He never made any official report to the board as a board?
A. He never made any official report to the board.

By the Chairman:

Q. You heard, did you not, shortly after the campaign of last year, that the police were charged with active and passive interference with voters at the polls at the Second Assembly and Third Assembly districts? A. I heard some statements in the papers to that effect.

Q. You read the statements to that effect? A. Yes, sir.

Q. Were those statements brought home to you on various occasions, subsequent to the election? A. There has never been complaint made to the board of police against any police officers.

Q. I mean in the public prints, or police interferences? A. As the testimony before this committee; yes, sir.

Q. Did you not know of it previous to this being testified to before this committee? A. I did not.

Q. Had you not read it in the public prints since the last election? A. Very little of it in the papers; I think I saw some general statements, not specific charges.

Q. Was it not a matter of general report, known to you, subsequent to the last election, that during last election in a very large number of election districts of this city the police had actively interfered, had violated the law, and had thrown their influence in favor of one political party against another political party? A. It was not known to me, and on the contrary I had every reason to believe they had acted fairly on election day, particularly in the Second and Third Assembly districts.

Q. Was the matter contained in my last question not a matter of general rumor throughout the city? A. It was not.

Q. Did you not read it in the newspapers? A. I did hear something about it; but very little.

Q. Was your attention not called to that same fact in connection with the indictment and prosecution of inspectors of election and poll clerks in the month of January of this year? A. No, sir; they were election officers, and police officers.

Q. Didn't you know that in those election districts, police officers had been charged with substantially the same dereliction of duty in violation of law that was charged against the inspectors? A. No, sir; I did not—on the contrary I was told on election day—I was at headquarters all election day from 7 o'clock in the morning until after the polls were closed, and until midnight—and I was told while the election was in progress—had frequent conversation with Inspector Williams and Superintendent Byrnes—that the election was progressing quietly, and everything was all right in that section of the city.

Q. And you mean to have this committee understand that you had not heard between the date of last election and the taking of the testimony by this committee with reference to election interference, that there had been no interference or violation of duty or law on the part of the police of this city in the Second and Third Assembly districts, especially on last election? A. I think I can say I heard little or nothing about it, until after this committee commenced to take evidence.

Q. Have you made any investigation into any of those matters?

A. We have not as yet; I have talked to the superintendent, and he is making notes of the various cases referred to with a view to investigation and reporting to the board; I have talked with him on that subject, and also talked to the counsel of the department on the subject.

Q. You mean Mr. Nicoll? **A.** Yes, sir.

Q. Do you ever make your own initiative in an investigation into the discipline of the police force unless a charge or complaint is made before you? **A.** Very rarely that I personally make an investigation of it; I should let that go to the superintendent; I have communications sent to me from time to time bearing on that subject, complaints against officers, and they all go through from me to the superintendent, or through the board.

Q. Do you wish the committee to understand that absolutely no complaint or charge of any kind was made with reference to police interference at the polls during last election, subsequent to election day? **A.** So far as I am concerned, or have any knowledge about it, I do mean to say that.

Senator Cantor.—The witnesses all testify to that.

Senator Bradley.—The witnesses testify to that.

Q. I am not speaking of written complaints; I am talking of any complaint? **A.** I am talking about any complaint; there was a complaint made to me on election day by Mr. Kempner and Mr. Fennell; they came to my headquarters and spoke to me about some matters of the election district, and I went down stairs to the inspector's office, and Inspector McAvooy was sent over to this particular place, and he came back after some length of time, within half an hour, and reported to me that it was all right, and everything was all attended to, and they were satisfied; that is all the complaint that was made to me on election day about the election.

By Mr. Sutherland:

Q. Was there not some complaint made to you? **A.** There was, by Mr. Smith, chairman of the Republican county committee, and Mr. Charles H. Murray, I think.

Q. Leader of the third district? **A.** They were there several times, and the superintendent and Inspector Williams told me they had visited the various districts with those gentlemen, and fully satisfied them.

Q. Did you hear the complaints made by those gentlemen when they came there? **A.** No, sir; I heard they made complaint about watchers not being admitted within the hall, in some cases.

Q. Wasn't that the general complaint? A. I think it was a general complaint of those gentlemen.

Q. Did you hear they came back several times with that complaint? A. They were there—I think Mr. Murray, from information I heard, made his headquarters at the police headquarters; he was looking for votes at police headquarters.

Q. He was at police headquarters all day long, wasn't he, with complaints? A. Yes, sir—I don't know about complaints; he did not make any complaints to me.

Q. Did you hear him make any complaints whatsoever? A. No, sir; I was in my room upstairs on the top floor.

Q. You were down stairs conferring with Byrnes? A. Occasionally; yes; I was not there any time Mr. Murray or Mr. Smith made that complaint; but I understood they were making complaints.

Q. You knew, in pursuance of those complaints, it was necessary for Byrnes to send out inspectors? A. Yes, sir.

Q. And go to those polls and rectify the matter? A. Yes, sir; I knew that.

Q. You never inquired what the complaints were? A. They were stated to me at the time, the general character of the complaints, either by Superintendent Byrnes or by Williams, and I think by Commissioner McClave.

Q. Did you investigate them, to see whether they were well grounded? A. I did not investigate them, outside of the investigation by the superintendent or the inspectors; I knew they were in fault if they kept a man outside the rail and did not permit him to go inside the place of voting.

Q. Did you ever inquire who the policemen were that kept the watchers outside the rail? A. No, sir; the matter was in the hands of the superintendent, and he made no report on the subject; I suppose it was an error on the part of the policemen, and when their attention was called to it, they corrected it.

Q. What made you suppose so? A. That is what I understood from what was told me by Inspector Williams and the superintendent; and they said, also, in these various polling places the space for the election officers, the three inspectors of election and the two poll clerks, and two ballot clerks, making seven election officers in all, the voting booths usually ran from four to seven and eight polling booths in these districts, and the place was all taken up, and if the watchers were inside the polls there would not be any room for the voters, and it was suggested by the election officers to remain outside the rail. It was suggested for convenience; so as to not block up the place of voting, to remain outside; I know the law allows them inside.

Q. You knew this was the rule? A. Yes, sir.

Q. You provided the place where this voting was to be held?
 A. Yes, sir; we provided ample accommodations for that purpose, as a rule, as I stated before. /

By Chairman Lexow:

Q. Was it entirely in the Second and Third Assembly districts that you had the misfortune of giving too small accommodations? A. No, sir; there was no exception made in those districts, any more than in any other part of the city.

By Mr. Sutherland:

Q. How many other police commissioners were at headquarters on election day last fall? A. I think Commissioner McClave and Commissioner McLain, and Commissioner Sheehan was there at one part of the day; he was there several times; I do not know that he was there all day; I think all the commissioners were there on election day.

Q. Do you remember seeing each one of them there on election day? A. Yes, sir.

Q. I understood you learned that Mr. Kempner's complaint was withdrawn? A. I learned that recently.

Q. You did not learn it at the time? A. No, sir; I did not.

Q. You did not see the letters written to Superintendent Byrnes? A. No, sir; I did not see them until brought on recently before this committee.

Q. What information did you have that complaint was made by Mr. Kempner? A. The superintendent had spoken to me about it.

Q. State whether he did not inform you that Mr. Kempner claimed he could not have an impartial trial before your board? A. No, sir; he did not.

Q. This is the first you heard of it, on this trial? A. Yes, sir; if he has that impression, it would be difficult to correct it.

Q. Did you see the letter Mr. Kempner wrote to Superintendent Byrnes on that subject? A. I think I saw it brought out on this examination.

Q. And in making his report Superintendent Byrnes did not send a copy of that letter to the board? A. He never made a report on that subject.

Q. I thought you said a few moments ago that Mr. Byrnes had investigated this matter and made a report? A. No, sir; the superintendent and I had some conversation by which he told me he would investigate it; I understood him to say he had satisfied Mr. Kempner.

Q. There never was an official report made? A. No, sir.

Q. Have you or the board ever called upon him to make an official report? A. No, sir.

Q. The World is not agreeable reading to you; do you ever read the Herald? A. Well, yes; I do.

Q. Are you aware of the fact that the New York Herald has called your attention to divers places in the city of New York that are running contrary to law? A. No; I do not recollect that the Herald did.

Q. Don't recollect anything of the sort? A. I recollect the Herald had some articles here, with reference to policy shops, I think.

Q. About when was that? A. Within a month.

Q. Did you see the article itself? A. Yes; I did.

Q. And that article gave numerous places, and specified amongst other things, Mr. Parker's place, 298 Elizabeth street? A. I do not remember the particular place.

Q. Where is 298 Elizabeth street? A. I can't say just what part; it must be very convenient to police headquarters.

Q. It is within a hundred yards, is it not? A. Yes; I should think so.

Q. That is, to police headquarters? A. Yes, sir.

Q. It would take but a few minutes to step over from your office? A. Yes, sir.

Q. You could send a man there in three minutes? A. Yes, sir.

Q. Did you observe that it was charged in this Herald article that a policy shop was running in that place? A. No, sir; I did not; I did not read the article carefully; I glanced it over, and looked at it generally.

Q. Did you notice that the article published a picture of this place, 298 Elizabeth street? A. I don't remember that it did.

Q. Look at it and see if that refreshes your recollection? A. Yes; I think I noticed that.

Q. And you recognized the place when you saw the picture, didn't you? A. No; I did not recognize the place.

Q. You never observed it before? A. No; I never have.

Q. With that sketch, with the number underneath it, you would not have any difficulty in identifying it? A. No; I think not.

Q. Did you send anybody there to find out about it? A. I did not.

Q. Did you observe in this article in the Herald that No. 156 East Ninety-eighth street was mentioned as the central office of Mr. Parker's policy society? A. Yes, sir.

Q. Where is that? A. It is in the upper portion of the city; on the east side.

- Q. No difficulty in finding that place, is there? A. No, sir.
- Q. Did you send anybody up there to investigate it? A. No, sir.
- Q. Do you recollect that in that article your attention was called to 138 Crosby street as being another place? A. I don't recollect that particularly.
- Q. And that a picture of that place was also published in the Herald? A. I remember looking at this article; I suppose I must have looked at these cuts.
- Q. Where is Crosby street? A. Quite convenient to police headquarters.
- Q. It runs right into Mulberry, does it not? A. No, sir; it runs into Bleecker street.
- Q. Runs from Bleecker to Mulberry? A. No; runs south from Bleecker street.
- Q. It is the next street to Mulberry? A. Yes, sir.
- Q. And 138 is not a stone's throw from headquarters? A. It is not very far.
- Q. Did you send up there? A. No, sir.

By Senator Bradley:

- Q. Is it your province to send anybody to places? A. No, sir; it is not my province to send anybody.

By Mr. Sutherland:

- Q. It was not your province to send people to inquire of a place? A. No, sir.
- Q. Did you inquire about these places? A. I did not; I had no doubt the superintendent was already on those matters.
- Q. Did you bring the matters to him particularly? A. I did not, particularly.
- Q. Did you, unparticularly? A. No, sir.
- Q. You did not say anything to him about it, did you? A. Not that particular matter; the superintendent brought charges against Captain Westervelt on the basis of this article.
- Q. Based on this article? A. Yes.
- Q. When were those charges tried? A. Tried within two weeks.
- Q. And what was the finding of the board? A. The board found the captain guilty.
- Q. Guilty of what? A. Neglect of duty in not keeping those places closed; that place particularly you referred to.
- Q. Which one? A. In the upper portion of the city.
- Q. The one up in Eighty-eighth street? A. Ninety-eighth street; and places in connection with that.

Q. And what was the fine? A. The fine was 10 days' fine.

Q. Amounting to how many dollars? A. I should think over \$50; \$55, about.

Q. And those charges were based upon this article in the Herald? A. Yes, sir; I was thinking about the fine; I think it was five days' fine; I want to correct that; that would be about \$27 or \$28.

Q. The same fine you imposed on Captain Price? A. Yes, sir.

Q. Is that the regular fine for failure on the part of police captains to close disorderly houses? A. No, sir.

Q. Have you ever fined anybody more than that for failure to close those houses? A. Yes, sir.

Q. Who? A. Captain Martens.

Q. When? A. In his trial at the same time with Captain Price.

Q. How much was he fined? A. Thirty days.

Q. Have you ever fined any other captain more than five days' pay for failure to close disorderly houses? A. No, sir.

Q. How many captains have you fined for failure to close disorderly houses? A. Captain Price, Captain Martens, Captain Westervelt and Captain Howey.

Q. Nobody else? A. I think that is all.

Q. That is all the captains you have ever fined? A. That is all the complaints we have had before us.

Q. In all the years you have been commissioners? A. Those are all the complaints we have had before us.

Q. I understood you to say to the committee that no complaint had been made to you after election with regard to the conduct of the police on election day? A. Yes, sir.

Q. Either verbally or in writing? A. Either verbally or in writing.

Q. Was there not widespread indignation among the Republicans on account of what they claim was violation at the polls participated in by the police? A. It was not brought to my attention, if there was that indignation.

Q. Wasn't it published in the newspapers? A. I don't think it was; nothing that I know anything about.

Q. And no single man accosted you on the subject? A. Never.

Q. Never verbally or in writing? A. No, sir.

Q. Do you know Mr. Alfred E. Conklin? A. There is such a man; I know him.

Q. There is such a man? A. Yes.

Q. Has he a residence in this city? A. Yes, sir.

Q. Did he ever write you a letter on that subject? A. I think I received a letter from Mr. Conklin before the election; I do not

think I have received any since election; I may be mistaken on that subject.

Q. Didn't he request of you an opportunity to inspect the records of the patrolmen against whom these charges were made of fraud, intimidation and personal violence having occurred on election day? A. I think he sent me a letter asking that certain records of every police officer should be submitted to him.

Q. Oh! A. Yes, sir.

Q. Was that before election? A. No; since election.

Q. Exactly; did it occur to you if there was any reason why he wanted that? A. He gave no reasons, no specific reason.

Q. No specific reason? A. No, sir; and no name.

Q. For all you know about it, it was a matter of idle curiosity on his part? A. It might be; yes, sir.

Q. Did you understand it was anything else? A. I didn't know what he wanted them for.

Q. You didn't know what he wanted them for? A. No, sir.

Q. Did you preserve his letters? A. I think his letters were presented to the board of police, and acted upon there.

Q. Did you preserve it? A. It is preserved on the files of the department.

Q. Can you produce it? A. Yes, sir; I think so.

Q. Does it run in these words, "President James J. Martin: In the investigation of election frauds, our committee of lawyers may prosecute several men on the police force; will you kindly direct the clerk to give me the records of such patrolmen, the particular men to be charged? I would like to have at once the record of 2494 of the Charles street precinct; I think his name is Martin; I make a general request, so as to avoid a long correspondence?" A. I think that letter was received.

Q. It now occurs to you that there was a name specified in this letter — a man named Martin? A. Yes.

Q. A man to whom he referred? A. He made no charges to us about it.

Q. Didn't this letter state they desired to prosecute members of the police force on account of election frauds? A. They did not prosecute them, and presented nothing to us about Martin or anybody else.

Q. Didn't this letter state he intended to prosecute them in the criminal courts? A. Yes, sir.

Q. He desired the records? A. Yes, sir; and which we did not give them.

Q. You did not? A. No, sir.

Q. You declined to assist in prosecuting policemen? A. We declined to give records of the force, as he requested; I do

not know whether he received the record of that one or not; I am not clear on that subject; I want to say under that, that the board of police did not see what the record of police officers had to do with any action that committee on election did.

Q. And when you learned that Mr. Conklin desired to prosecute policemen before the criminal courts of this city, you did not think it best to give them the record of the policemen?
A. No, sir; I did not; not for the reason that he was going to prosecute them.

Q. For what reason then? A. Because I say it was an improper thing to do it, and the board took that view of it.

Q. You was the first one to speak of that? A. The communication was presented to the board.

Q. And you immediately said it should be refused? A. Yes, sir.

Q. And not only the general request, but the specific request was refused? A. Very likely it was.

Q. Is it true? A. I think it is.

Q. What was your reason for declining to furnish that record? A. I think it was improper to furnish the records of police officers in connection with any complaint made against them outside the police department; the record of the police officers are for inspection in the police department, not for public inspection.

Q. But if a policeman was charged with the commission of a crime, did it occur to you that it was a wise thing to keep from the court and jury a knowledge of his record? A. No, sir; his record would be furnished on a trial.

By Senator Bradley:

Q. That is, if demanded by the court? A. Yes.

By Mr. Sutherland:

Q. But, if requested for the purpose of indictment, it would not be furnished?

Mr. Nicoll.—You indict a man on account of his record?

Mr. Sutherland.—It might assist his indictment.

The Witness.—It would not be furnished, so far as I am concerned.

Q. Did you think the dignity of the board was invaded by the request? A. I thought it was an unusual request.

Q. Did you think the dignity of the board was invaded by the request? A. No; not specially.

Q. Did you immediately after the meeting closed say that you had no other motive for refusing the request, except to pre-

serve the dignity of the board? A. I do not remember making any such remark.

Q. Did you know the account of this transaction was published on the 18th day of December, 1893, in the New York World? A. No, sir; I did not.

Q. And that it quoted you as stating, "I had no other motive other than to preserve the dignity of the board?" A. It may have been so published.

Q. But it was not called to your attention? A. No, sir; it was not.

By Senator Bradley:

Q. And you never remember making the remark, do you? A. I do not.

By Mr. Sutherland:

Q. Now, in answer to the chairman of the committee, you said your attention was not called subsequent to the election until the sittings of this committee to the charge that policemen had committed any acts in violation of the Election Law? A. I did so state to the chairman.

Q. You were in error in regard to Mr. Conklin? A. I was; I overlooked the letter of Mr. Conklin.

Q. Now, that letter stated there was a lawyers' committee prosecuting these frauds, did it not? A. I understood there was a committee prosecuting election frauds; yes, sir.

Q. This letter stated it was on behalf of the committee, who desired the records of policemen? A. Yes, sir.

Q. Didn't you understand from that that there were charges pending before that committee, or under investigation before that committee, against policemen? A. I suppose so; yes, sir.

Q. What did you ever do about inquiring as to these charges? A. Charges of the lawyers' committee?

Q. Against the policemen? A. I have not done anything.

Q. Did you take any steps, or request anybody to take steps to ascertain the character of those charges? A. I said I had talked with the superintendent about it in connection with the evidence before this committee.

Q. Before this committee at its sessions? A. No, sir; I did not.

Q. You took no steps to ascertain the character of the charges against the police? A. No, sir; there was not any complaint made against the police force.

Q. Here was a letter from Alfred R. Conklin informing you that the lawyers' committee was engaged in prosecuting policemen? A. Yes, sir.

Q. And in connection with that, they desired the record of the policemen? A. Yes.

Q. Did you take any steps to ascertain the charges against those policemen? A. I did not.

Q. Or with reference to the identity of the policemen charged? A. No, sir.

Q. Why not? A. I supposed it would come to us in due course of time.

Q. You pursued the same policy of waiting that you had in regard to those charges? A. Yes, sir; I waited.

Q. And simply sat still? A. Yes; I had been waiting

Q. And laid down evidence in your lap? A. Yes; I was waiting for evidence.

James J. Martin, recalled:

Direct examination (continued) by Mr. Sutherland:

Q. You told us this morning that in consequence of the publication in the New York Herald, of Thursday, March 8th, Captain Westervelt was put upon trial, convicted, and fined five days' pay? A. Yes, sir.

Q. In what precinct was Captain Westervelt? A. Twenty-eighth precinct.

Q. Which one of these houses mentioned in the Herald article was included in that precinct? A. A number of them.

Q. All of them? A. Quite a number; I should think that the complaint against Captain Westervelt covered eight or ten places, as near as I can recollect now.

Q. Where is the twenty-eighth precinct? A. It is located between Seventy-ninth—is located between Ninety-sixth street and One Hundred and Sixteenth street.

Q. That is, north and south? A. That is north and south.

Q. From east to west? A. Running between Fifth avenue and the East river.

Q. Well, that don't take in Third avenue, then? A. Yes, sir; Third avenue is east, toward the river.

Q. Then that takes in Second and Third and Fourth and Fifth avenues? A. Yes, sir; Fifth avenue is the westerly boundary.

Q. Is One Hundred and Seventh street in that precinct? A. Yes, sir.

Q. Is West Houston street in that precinct? A. No, sir.

Q. Did this article make a complaint against a house on West Huston street? A. No, sir; that article—I don't know as to the article; I said that I saw the article generally.

Q. You have already testified as to your recollection as to 298 Elizabeth street, and 138 Crosby street? A. Yes, sir.

Q. Are those places located within Westervelt's precinct?
 A. No, sir.

Q. In whose precinct are those located? A. Two hundred and ninety-eight Elizabeth street is in the tenth precinct.

Q. Who is the captain of that? A. Captain Stevenson

Q. And in whose precinct is the Crosby street place? A. The same.

Q. Any complaint made against him? A. No, sir.

Q. On Saturday, December 23, 1893, the World published the statement that you and Commissioner Sheehan were overruling Superintendent Byrnes in his efforts to enforce the law; was your attention called to that article? A. No, sir.

Q. The article states that the World knows that Superintendent Byrnes was defied by the commissioners and that the people know that the character of the police department is determined by its head; Mr. Martin and Mr. Sheehan, with Mr. McClave, are practically that head; the World charges them, and not the captains, with the attempt to oust Superintendent Byrnes; was that article called to your attention? A. I think I heard of that article; yes.

Q. About the time it was published? A. Yes, sir.

Q. Now, you stated that these other matters which came to your attention were not investigated by you because it was expected Superintendent Byrnes would investigate it? A. Yes, sir.

Q. Did you turn this matter over to him for his investigation?
 A. No; I did not.

Q. Who did you ask to investigate it? A. Nobody; there wasn't any truth in it.

Q. Did you pay any attention to the charge? A. No, sir.

Q. Not even to contradict it? A. No, sir.

Q. And was the charge renewed in the World of December 27th, in an editorial? A. It may have been.

Q. And you paid no attention to that? A. No, sir.

Q. Did the same editorial charge that George F. Roesch had virtually command of the police in the fourteenth precinct, and that policemen who would not do his bidding were transferred to other precincts? A. What is that?

Q. Do you remember a charge in the World of December 27th, that George F. Roesch had virtually command of the police of the fourteenth precinct, and that policemen who would not do his bidding were transferred to other precincts? A. I think I saw something of that; yes, sir.

Q. What did you do about that? A. Nothing; I did not believe that was true.

Q. You knew about the transfer of policemen, didn't you, so far as you were concerned? A. Some transfers; yes, sir.

Q. Did you inquire of the other police commissioners in regard to the transfers they had made? A. No, sir; I did not.

Q. You remember that the same article charges that the police had been employed to blackmail saloon keepers and others with the threat that the law would be enforced against them if they did not comply with the wishes of the district leader? A. No, sir; I did not; I may have seen it in the article.

Q. Was not the very next sentence, the one from which I have just read, that the police in that district were employed to blackmail saloon keepers if they did not comply with the directions of the district leaders? A. I do not recollect noticing it, and would not believe it.

Q. Did any such statement come to your ears? A. No, sir; not in any shape; I should take notice of it.

Q. Did anybody say to you that it was being talked about? A. No, sir; I did not take any notice of that.

Q. In what shape did it come to your attention? A. In no way.

Q. You never heard of it? A. No, sir.

Q. You never heard that the police were being used to blackmail the saloon keeper? A. I never did, except as I stated on the stand.

Q. You mean the time this citizens' committee came to see you? A. Yes, sir.

Q. Well, we will find out about that a little later; do you remember that the World, on December 27th, in a very long article covering three columns made the same charge that the commissioners were allowing the police to be manipulated in the interest of the district leaders? A. I don't remember the special article; I remember the World had a number of articles of that character.

Q. Do you remember a meeting that was held which was reported on December 27th; that is, on Wednesday, the meeting had been held the day before? A. Very likely the meeting was on that day.

Q. In which you are reported as saying, "There has been a great deal of talk of late about the duties of the commissioners and I would like to find out just what those duties are;" was any such expression as that used by you? A. I don't recollect it.

Q. You don't remember it; do you mean to say it did not occur? A. I do not say it did not; if I read the article I might be able to say something more about it.

Q. I will show it to you; see if it refreshes your recollection? A. No, sir; I do not recollect having used that expression.

Q. Did the World send a reporter to interview you about that matter? A. They may have.

Q. Don't you know? A. Well, the reporters are continually asking me to be interviewed.

Q. Didn't they come to you with regard to these various charges made in the columns of the World? A. They may have.

Q. Don't you know they did? A. Yes; probably they did.

Q. Don't you remember the young man that came to see you? A. No; I do not.

Q. Do you remember he came, stating that the World desired to publish anything you desired to answer to that? A. Yes, sir.

Q. What did you say to him? A. I refused to say anything.

Q. Do you remember that the next day— A. I was defending myself in the newspaper—in the World.

Q. No; didn't it occur to you that your continued silence on these subjects might be construed as a confession of guilt? A. No, sir.

Q. Do you remember the World reminded you in an article of the 28th of December, in these words, "Meanwhile, Mr. Martin and Mr. Sheehan, you should not think that silence means safety; the World has presented specific charges against you; to you, Mr. Martin, has been given a chance to vindicate yourself, and you have declined it; the World agreed to print all that you said; the World sent a reporter to see if you would speak; you refused to do so; do you think you are safe in believing that the people are entitled to no explanation;" do you remember they prodded you with these words? A. Yes, sir.

Q. With this suggestion sharply brought to your notice, did you still decline? A. I still declined, and I still decline.

Q. You would not decline to answer my question? A. No, not at all; I am talking about this newspaper warfare.

Q. Do you remember that the Wine and Spirit Gazette published certain charges in regard to your relations with the Liquor Dealers' Association? A. Yes, there was a marked copy of that paper sent to me at the time.

Q. At the time? A. Yes, sir.

Q. Then you certainly have a distinct recollection of that article? A. I do; I read the article.

Q. You read the article charging you with that? A. Yes.

Q. You remember the article of December 28, 1893, stated there was a time, and it continued up to about two years ago, when Tammany, through its police agents, regularly levied blackmail on the liquor dealers of this city under pretense of affording them protection from punishment by the restriction put on their business by the law? A. I remember that.

Q. Do you remember the article stated the revenue from this

source amounted to more than half a million dollars a year? A. Yes; I remember it so stated.

Q. You remember that the article stated that it could be readily understood that so rapacious an organization as Tammany Hall would be exceedingly loath to forego so large a revenue; and that under no circumstances would it do so without an effort to secure a quid pro quo? A. I think that was in the article.

Q. Do you remember the article then charged that thereupon Mr. Croker and Police Commissioner Martin called up the president, and some of the officers of the Central Association of Liquor Dealers, and after procuring from them a full roster of all the liquor dealers' associations in the city, entered into a compact with them by which political blackmail was substituted for pecuniary blackmail? A. Yes; that is in the article.

Q. Did you ever get a roster of the liquor dealers of the city of New York? A. Never.

Q. Did you ever call up the officers of the Central Association? A. Never.

Q. In connection with Mr. Croker or anybody else? A. Never.

Q. Do you remember that the article stated that under the terms of this contract forced from the liquor dealers under penalty of having their business interfered with, they were made vassals of Tammany which no longer wanted their money, and heretofore permitted them to continue their traffic, only on the one condition, that they must continue their support to Tammany Hall? Do you remember the article contained that clause? A. Yes, sir; I do.

Q. Do you remember the article also referred to an interview with your colleague, Commissioner Sheehan having been published in the Sun in these words: "The big shakeup among the captains 18 months ago originated with the commissioners, It had been said that some of the captains were receiving money from saloon keepers, and the commissioners decided it would be a good plan to change them all around. This was done after conferring with the superintendent. After the big shakeup liquor dealers all over the city were notified through the various local dealers associations, that they must not try to pay money to any police official. No liquor dealer pays any money to the police at this time?" A. I remember the article had that quotation.

Q. Do you remember the interview which it quotes which was published in the Sun? A. No; I can not say I do.

Q. Was your attention attracted to the second expression in this interview that the liquor dealers were notified through the

Liquor Dealers' Association not to pay any money to police officials? A. I saw that.

Q. Is it true they were so notified? A. I don't know.

Q. Did you ever ask Commissioner Sheehan whether that information was ever sent out? A. No, sir; I never did.

Q. Did you ever call his attention to this charge that in that interview he had said so and so? A. I do not remember speaking to him about it.

Q. Was the matter ever brought up in the board of police commissioners? A. No, sir; never.

Q. Did you ever call his attention to the fact that in this interview he referred to the present time as one during which money was not paid: "Not a single liquor dealer pays the police at the present time?" A. No, sir; I did not call his attention to it.

Q. Did those words attract your attention to it? A. No, sir.

Q. Didn't it strike you from reading that interview that it was a plain intimation that previous to that time money had been paid to the police? A. It did not so strike me.

Q. Why did you think there was any necessity of sending out an order to the liquor dealers not to pay to the police?

Senator Cantor.—He has not said there was any such order.

Mr. Nicoll.—He has not said any such thing.

Chairman Lexow.—You can ask him if he has.

Mr. Sutherland.—I am referring to an interview in which Commissioner Sheehan stated that there was such an order sent out.

Q. Did you ever receive word of that article? A. No, sir; never, except in that article.

Q. And did the statement in this article that such an order had been sent attract your attention in the slightest degree? A. Yes, sir; I read the article.

Q. And your eye lit on that statement? A. I read the article generally; yes, sir.

Q. Did you inquire of anybody whether such an order had been sent? A. I did not.

Q. Did it occur to you whether it was a matter worthy of inquiry? A. No; it did not.

Q. You assume the statement was true? A. I assume the statement was not true.

Q. It was reported to be an interview with your colleague? A. Yes.

Q. In which he was reported as having said so and so? A. Yes.

Q. Did you believe he had said it? **A.** I don't know whether he did or not.

Q. Well, assuming that he said it, didn't it strike you that it clearly indicated that previous to that time money had been paid to liquor dealers?

Mr. Nicoll.—I object to it. Is it fair to take an article in a newspaper and assume a conversation between a reporter and a board of commissioners, and then adopt that as if that was a fact, proved or established, and cross-examine on it?

Chairman Lexow.—It seems to me it is competent for the counsel to ask the witness if he has testified that he had knowledge of that character, of the statement made, as to whether or not he thought it was not within his province to investigate the matter.

Mr. Sutherland.—I was coming to that.

Mr. Nicoll.—He has stated as to the statements in that article that they were all untrue. Of course, he can not state, unless he was present at the time, as to the conversation reported there with Mr. Sheehan, but as to the rest of the article he stated it contained a pack of lies.

Chairman Lexow.—As I understand it, the counsel desires to ascertain whether or not, although it had been brought home to the mind of this witness, that an associate of his own upon the police board, had made certain statements—whether or not it was his duty to have investigated those statements.

Senator Cantor.—He said he assumed that they were untrue.

Chairman Lexow.—No, not these statements that Commissioner Sheehan made. He does not assume them as untrue; I don't so understand the witness.

Mr. Nicoll.—He assumed that was not true, that he had no knowledge of it, as he was not present.

Q. I will ask the witness over again, so there will be no misunderstanding; did you state that you assumed that the alleged interview with Mr. Sheehan was a fabrication? **A.** I had no knowledge on the subject.

Q. I ask you whether you assumed that was untrue? **A.** Well, I can not say I assumed it was untrue; if Commissioner Sheehan knew anything about it, I did not; that is all.

Q. So far as you know, it might have been quite true that he had made these statements? **A.** He may have had some information on that subject, and made these statements.

Q. And the possibility was in your mind that he might have made the statement? **A.** Exactly.

Q. Did you go and inquire of him? **A.** I did not; I did not think the article amounted to anything.

Q. Did you think the statements which were reported to have

been made by him were of no consequence? A. Well, I did not pay much attention to his statements in the article; I thought the article as a whole amounted to nothing; there wasn't any truth in it.

Q. There your colleague was quoted as stating that a notice was sent to the Wholesale Liquor Dealers' Association to notify the retail liquor dealers that they should not any longer pay any money to the police; that was of so little consequence you did not call it up? A. I did not follow it up.

Q. And your colleague is quoted as stating no money was paid to the police? A. He is so quoted.

Q. And you did not think that was worth following up? A. No, sir.

Q. Was your attention prodded by other papers besides the Wine and Spirit Gazette? A. I don't know whether they did or not.

Q. Did not the Sun quote from that article? A. I don't remember.

Q. Didn't it say that the Wine and Spirit Gazette of this city, which represents the big distilleries, adds its testimony to that of Mr. Croker's, while, at the same time, attacking Tammany Hall; it avers that until three years ago over \$500,000 a year was levied as blackmail; that the burden became so great, that the complaints reached the grand jury room; the latter, in a presentment, substantiated the charge, and by some mysterious means the testimony given before the grand jury found its way into Mr. Croker's hands; do you remember that appeared in the Sun? A. No, sir.

Q. Do you remember it appeared in any paper? A. No, sir.

Q. Nobody called your attention to such charge? A. They never did; that is the first time I ever remember hearing that article.

Q. Do you remember the same thing was substantially said in the Mail and Express? A. I do not see the Mail and Express very often.

Q. You did see the World? A. Occasionally.

Q. Do you remember, on the 30th day of December, the World, referring to this article in the Wine and Spirit Gazette, used these expressions, "An item of interest to Tammany as well as to the public appears in the Wine and Spirit Gazette, an organ of the liquor dealers, under the heading of 'Political Blackmail;' the story says, in part, that until two years ago over \$500,000 a year was levied as blackmail by Tammany on saloon keepers, and the burden became so great that complaints reached the grand jury room; the latter, in a presentment, substantiated the charge; now, by some mysterious means,

the evidence given to the grand jury found its way into Croker's hands; thereupon Mr. Croker called up the president, and some of the officers of the Central Association of Liquor Dealers, and after procuring from them a full roster of all the local liquor dealers in the city entered into an arrangement by which political blackmail was substituted for pecuniary blackmail;" was that published in the Sun? A. That was the substance of a reprint of the Wine and Spirit Gazette; I do not remember seeing it.

Q. And that the article closed with these words, "How is this, Mr. Martin; speak out, regardless of whether you used to ring up fares or whether you forgot to do so;" do you remember that? A. I do not; I do not think there is much truth in the main part of the article any more than there is at the close; I never "rang up a fare" in my life; I never "rang up a fare in a railroad car in my life."

Q. I did not say you did? A. The World said so.

Q. I did not read it that way; I read this, that Mr. Martin was asked to speak up in answer to those charges, and you never spoke? A. No, sir; not to the World.

Q. Did you to anybody? A. I am speaking here now.

Q. Did you ever, before this? A. No, sir.

Q. Speak in response to these charges? A. No, sir.

Q. Mr. Martin, you have a force of upwards of 3,000 men scattered all over the city? A. Yes, sir; nearly 4,000.

Q. All reading men? A. Yes, sir.

Q. You knew these articles were likely to find their way into the hands of policemen? A. Very likely.

Q. Didn't you think you owed it to the police, to the dignity of the police commissioners, to the patrolmen and roundsmen, that some steps should be taken to stop this talk, either by showing its falsity, or else by getting out of the way? A. You could not stop a newspaper.

Q. Couldn't you show the falsity of those charges? A. To a newspaper?

Q. To the people? A. Not to a newspaper.

Q. Can you in any manner? A. Not—there may be some means of showing it to the public; yes, sir.

Q. Couldn't you have called upon somebody to investigate these charges? A. No; I did not see that there was any opportunity to investigate it at that time.

Q. Here was the direct charge that political blackmail was exchanged for pecuniary blackmail? A. Yes; and it was a lie from beginning to end.

Q. Was there any way to get shut of it? A. Yes; and that is being shown up now to the committee.

Q. Was there no way you could have shown it up before this committee was appointed? **A.** No, sir; I don't think there was.

Q. Did it ever occur to you that at least a general denial by you would be serviceable to the force under your command?

A. In the World?

Q. A general denial by you, put forth in some form or other?

A. No, sir; I did not think it necessary; I think the members of the force knew I had no part in any such arrangement.

Q. But you say the members of the force, if permitted to go about in citizen's clothes, might so forget their duty as to receive money themselves? **A.** Yes, sir.

Q. For which reason you desired they should go only in uniform? **A.** Yes, sir, as a rule; as a general rule, yes, sir; in special cases they might go in citizen's clothes.

Q. And yet, believing that the men in your command were so liable to fall in the presence of temptation, if dressed in citizen's clothes, you believed these stories about their collecting political blackmail were unfounded, that there was no need of any denial on your part, no need of any investigation or demonstration of the falsity of the charges? **A.** Yes, sir.

Q. Upon whose recommendation was Captain Devery promoted from being a sergeant to the position of captain? **A.** Well, he was, after examination.

Q. Well, upon whose recommendation?

Mr. Nicoll.—One moment.

Mr. Sutherland.—I am waiting one moment.

Mr. Nicoll.—The witness is about stating "after examination"—

The Witness.—I was going to state "After he was qualified for promotion."

Mr. Sutherland.—There is no charge that he did not go through the formality of qualifying.

Mr. Nicoll.—It is only fair that he should have that fact before the committee.

Chairman Lexow.—I think the question is open to the objection that it assumes that somebody recommended Captain Devery for promotion. I think that the proper question will be to ask the direct question whether anybody did.

Q. How is that; did anybody recommend Captain Devery's promotion? **A.** Yes, sir.

Q. Who was it? **A.** He was recommended by many political friends as being a party for promotion.

Q. There came a time when he was made a captain? **A.** Yes, sir.

Q. Did anybody recommend that he be made a captain at that time? **A.** Yes, sir.

Q Who? A. You mean names now; individuals?

Q What association of individuals recommended him? A. Well, he was recommended by a number of people.

Q Wasn't he recommended practically by Tammany Hall?
A. No, sir.

Q He was not? A. No, sir; he was recommended by a great many people in Tammany Hall.

Q I don't doubt that. A. But as a formal recommendation from the organization, no; there never was such a recommendation.

Q Wasn't his appointment charged up to Tammany Hall?
A. Yes; in my mind; it was a Tammany Hall appointment; on Tammany Hall recommendation.

Q Charged up in your mind? A. Yes, sir.

Senator Cantor.—You do not have that up in Rochester.

Mr. Sutherland.—We have had something up in Rochester, of a different sort.

Q. When was that appointment made? A. Well, I can not recollect the exact date.

Q. Was it the 30th day of December, 1891? A. I should think it was about that time; yes, sir.

Q. Upon whose recommendation was Michael Doherty made a captain? A. On practically the same recommendation.

Q. Was it not identically the same recommendation? A. Not as to individuals.

Q. Oh, as to Tammany Hall? A. Yes, sir; as to being recommended by Tammany Hall people; yes, sir; they were not the same people, but they were men in Tammany Hall.

Q. Isn't there something more than that about it, Mr. Martin?
A. No, sir; that is the truth.

Q. I don't doubt that it is part of the truth?

Senator Cantor.—Part of the truth.

Q. In fact, I am well aware of it; but is it all the truth? A. Yes, sir; absolutely.

Q. Do you keep books? A. I have some memoranda; yes, sir.

Q. On that memoranda this appointment of Captain Doherty, Captain Devery—each of those appointments are charged up to Tammany Hall by name, are they not? A. Yes, sir; I think they are.

Q. And no other name? A. And no other name.

Q. Is that also true of the appointment of Captain Gallagher?
A. Yes, sir; I think it is.

Q. And that was made the 6th day of May, 1892? A. About that time yes, sir.

Q. Is it also true of the appointment of Thomas F. McAvoy as inspector? A. Yes, sir; I think it is.

Q. And that was made April 29, 1892? A. Yes, sir.

Q. Naturally these gentlemen would feel obligated to Tammany Hall about election time, would they not? A. They might.

Q. Well, is it not your judgment that they did? A. Yes; to a certain extent, I think so; yes.

Senator Bradley.—You would not think much of these men if they did not; ingratitude is a terrible crime?

Mr. Sutherland.—I think it would be well if they did not.

Q. You were elected president when? A. I think it was on the 3d of March, 1892.

Q. Then you were president of the board of police commissioners at the time of the general election in 1892? A. Yes, sir; for the first time.

Q. That was the first election day under your presidency of the board of police commissioners? A. Yes, sir.

Q. And that was an election at which United States marshals were by law provided? A. Yes, sir.

Q. And expected to be present? A. Yes, sir; that was the congressional year.

Q. It was the presidential year? A. And congressional year, particularly.

Q. And the laws of the United States provided that the United States marshals should be at each polling place, and the United States supervisors of election? A. Yes, sir.

Q. You were familiar with those statutes? A. Yes, sir.

Q. It became your duty as police commissioner to understand the power and prerogatives of all who should be charged with preserving the public peace? A. Yes, sir; I tried to understand them.

Q. Mr. Martin, was there a great deal of public excitement just prior to that election, with reference to the possible breaches of peace on election day? A. Well, there was some excitement about it; yes, sir.

Q. And who was the United States marshal for the southern district of New York? A. I suppose John W. Jacobus.

Q. Was he written to and did he write letters in reply in reference to the conduct of the marshals on election day? A. I don't remember that, sir.

Q. Were not the newspapers full of that sort of thing for a week before election? A. There was talk in the newspapers about breaches of the peace on election day.

Q. And did not the general committee, or the State committee

or the national committee write letters and public letters addressed to Mr. Jacobus upon the subject of the power of the United States marshals—the limitations upon their power; the power of the police, etc.? A. I think there was some letters at that time.

Q. I remember it very distinctly; I was here at the time and had some hand in the matter.

Q. And wasn't there some apprehension expressed lest there should be some conflict between the police and United States marshals? A. Yes, sir.

Q. And wasn't there apprehension very general that such conflict would result in bloodshed? A. That might be the result.

Q. Was it not generally thought that there was danger of that result? A. That might be the result.

Q. Wasn't it generally talked that there was danger of that result? A. There was some talk about it.

Q. Didn't that talk come to your attention? A. Yes, sir.

Q. Did you go to police quarters on Sunday previous to election day? A. Yes, sir; I did.

Q. Is it your practice to go there every Sunday? A. No, sir.

Q. Did you go there in your capacity as a member of the executive committee of Tammany Hall, or in your capacity as member of the board of police commissioners? A. I went there as president of the board of police.

Q. What for? A. Well, a few days before that the superintendent—Superintendent Fyrnes—came to me with his order that he was sending out to the police in reference to their conduct at the election polls on election day; he submitted them to me, and I read it, and told him I thought it was all right; he said he was going to have a meeting of the captains on Sunday, before election—Sunday afternoon; I think it was 3 o'clock, or thereabouts; and I said I would like to be present; he said, he would be glad to have me there; that is the reason I went.

Q. I did not catch that last answer; excuse me? A. I said I would like to be present, and he said he would be glad to have me come there.

Q. Present when this order was promulgated? A. Yes, sir; to the meetings of the captains.

Q. Then you knew there was to be a meeting of the captains on that Sunday? A. The superintendent told me that.

Q. Is it not the practice of the superintendent to give orders on the Sunday before election? A. I can not say as to that; I suppose that is his practice.

Q. Had you ever attended any conversation—or have you since attended any meetings on Sunday? A. No, sir; I have not.

Q. This is the only instance at which you were present? A. Yes, sir.

Q. You say Mr. Byrnes invited you there? A. Not invited me there; I said I would be glad to be present, and he said he would be glad to have me there.

Q. Who else was present? A. I do not think anybody but the captains, superintendent of police, and myself.

Q. No other members of the board of police commissioners were there? A. No, sir.

Q. Did any other member of the board know you were going to be there? A. I did not tell them about it.

Q. You were not delegated by them in any respect? A. No, sir, I was not; I was president of the board.

Q. But your presence, so far as the rest of the board was concerned, was without any special authority? A. That is true.

Q. Or any special commission from them? A. No, sir; no special commission or authority.

Q. What did Mr. Byrnes do after you got there? A. Mr. Byrnes, awaiting my arrival, read his orders and explained his orders to the captains and inspectors.

Q. What explanation did he give to them? A. Oh, some general explanation, as each matter in order was taken up.

Q. Can't you tell the committee anything? A. I can't recollect anything in relation to the order; it is a printed order and shows for itself.

Q. Can you recollect anything he said? A. No, I can not recollect anything special he said; I thought it was full and complete as to the duties of the captains and police officers, as to their conduct, the conduct of the policemen at the polls, to protect voters, to preserve the peace, to allow watchers in the polling place, and a variety of things of that kind; that was covered; the keys of the election boxes, and all that sort of thing was covered by this order, and he spoke of each matter as it came up.

Q. How long did his remarks take? A. I should think 15 or 20 minutes.

Q. Then what happened? A. Then he came to me and asked if I had anything to say.

Q. What did you say? A. I said, as near as I can recollect, there was very little to be added to what the superintendent has said; that he had covered the ground fully; and I thought that all I could say in addition to what he had said, was that we were going to have a very important election on Tuesday next; that there was a great deal of excitement in connection with that election; a very large vote to be polled; something like 275,000 votes to be cast; that it was vital that we should have peace and quietness on election day; and I hope they would

do all they could to keep the city quiet on election day; I said, "If any persons committed any disorder, no matter who they might be, whether they were citizens or marshals, that they should be treated alike, and arrested for it."

Q. Anything else? A. That is all.

Q. That is all you said? A. Substantially, as near as I can remember.

Q. Did you say anything else about United States marshals, except if they committed disorder, they should be arrested? A. No, sir; I did not.

Q. Did you say anything about the character of these marshals? A. No, sir; I did not.

Q. What sort of men were they? A. No, sir; I did not, as I recollect; I don't think I described them.

Q. Didn't you say these marshals were, in substance, the dregs of the city? A. No, sir; I did not.

Q. Didn't you say they were the lowest class of people that could be picked up? A. I did not; I don't think I named any of them in that way.

Q. Didn't you say the officers of the general government had purposely selected the scum of the town as marshals? A. I am sure I did not.

Q. Have you any recollection of anything of that sort being said? A. I have a recollection I didn't say anything of the kind.

Q. Will you swear positively you did not? A. Yes, sir; I will.

Q. Did you say to the police that the prerogatives of the police were superior to the prerogatives of the marshals? A. No, sir; I did not, except with an intent to preserve the peace.

Q. Tell the committee what words you used? A. I said that if any disorder was committed or any breach of the peace at the polls by any person, whether citizens or United States marshals, that I thought they should be arrested for it.

Q. Did you say anything about the powers of the police being superior to the powers of the marshals? A. No, sir; I did not.

Q. And that in case there was any trouble the police were to understand they were to be obeyed, and not the marshals? A. No, sir; I did not.

Q. Nothing like that in substance? A. No, sir.

Q. Did you say to the police that if they saw fit to arrest the marshal they must bring him in, if it took the whole squad? A. No, sir; I did not.

Q. Or anything like that? A. No, sir; I did not.

Q. Did you say the United States marshals were selected from a class of men who would be likely to interfere with the prerogatives of voters, or anything of that sort? A. I did not.

Q. That they would be likely to create trouble and disturbance? A. I did not.

Q. And if any move was made by the United States marshals to interfere with the Tammany voters the United States marshals shall be immediately arrested and brought in? A. No, sir.

Q. Nothing of the kind in substance? A. No, sir; nothing of the kind.

Q. You say all you did was to say to the police captains in regard to the marshals was that if they committed any disorder that they should be arrested as any other citizen? A. That is what I said.

Q. Did you define to them what disorder on the part of the marshals would be? A. No sir; I generalized it, as I say.

Q. Did any of these captains or inspectors ask you any questions about that? A. No, sir.

Q. Did you say to them that the marshals must not be allowed to interfere with the policemen? A. I did not.

Q. And that if any marshal attempted to interfere with the policemen the marshal should be arrested? A. I did not.

Q. Or anything like that? A. No, sir.

Q. Did that close the interview when you got through? A. No, sir; the superintendent spoke then.

Q. What did he say? A. The superintendent said he disagreed with me.

Q. About what? A. As to the interference by marshals and the arrest by police officers of the marshals.

Q. Did he explain the point? A. He made some explanation about it; he said he thought the United States marshals on the day of election had great authority.

Q. Yes; what else? A. And the police should be very careful about interfering with them in any way, and advised them not to do it; that was the substance of what he said.

Q. What did you say to that? A. Nothing; not a word.

Q. Did he, in substance, instruct the policemen to obey the law as he gave it to them, rather than as you gave it to them? A. He advised them not to interfere with the marshals after I had spoken.

Q. Did he use your name in his remarks to the policemen? A. He may have said he disagreed with the president of the board; I do not recollect whether he did or not.

Q. Didn't he positively instruct the policemen to follow the law as he gave it to them rather than as you gave it to them? A. To that extent; yes, sir.

Q. Didn't he remind them that he was the superintendent of police until at least after election day? A. No, sir; I don't think he did; I am sure he did not.

Q. Will you swear he did not say to those men, "You must

obey my orders in this matter in preference to the president?"

A. No, sir; he did not.

Q. Nothing like that? A. No, sir; he advised them as I told you.

Q. How many captains did you send for between that Sunday interview and the following election day? A. Not one.

Q. Not one? A. No, sir.

Q. How many captains did you interview between those dates? A. Not one.

Q. Do you mean to say that you did not talk with any of the captains between Sunday and election day? A. I don't think I did; I don't recollect particularly; I don't think I did; there was only one day in between, Monday; my recollection is that I did not see a captain; I saw some captains at that meeting, of course.

Q. Did you talk with them after the formal meeting was closed? A. No, sir; I went away within a few moments.

Q. Immediately after Mr. Byrnes got through talking? A. Not immediately; I staid around for a while probably, a short time.

Q. You made no answer to his remarks? A. No, sir; I did not; he was superintendent, and he was giving the orders.

Q. What business did you have to interfere with the orders he had given? A. I did not attempt to interfere.

Q. You gave a construction of the law different to his? A. Yes; and I think my construction was right now.

Q. Is he your superior officer? A. No, sir; he is not; he is the superintendent of police.

Q. Why didn't you remind the man that you were superior to the superintendent? A. I had no desire to have any conflict whatever; I gave my opinion in good faith, and he disagreed with me, as I believe, in good faith, and I let it stand there.

Q. How many men have you promoted to be captains? A. I think three.

Q. Those three I have named? A. Yes, sir.

Q. Did it ever come to your ears that it was charged those men paid for their promotions? A. These particular men?

Q. Yes? A. No, sir, I never heard of it

Q. What men have been charged with paying for it? A. There have been statements occasionally in newspapers in some of the articles; I think you have been referring to, in the World, that some payments had been made by captains and other people for appointments; I never heard anybody charge that any of my appointments were paid for.

Q. These statements have been confined to the World? A. Pretty generally, I think; yes, sir.

Q. They have been made in the Evening Post, in the Herald, and the Mail and Express and in other papers, haven't they?
A. Well, they may have been.

Q. Hasn't it come to your notice that they have been? A. No, sir; it has not.

Q. You say you never heard it charged that any of your appointments were paid for? A. No, sir; I never did.

Q. Well, as matter of fact, did you ever receive any pay for them? A. I want to say to the committee that I have never received a penny directly or indirectly for any appointment that I have ever voted for in the board of police.

Q. Or any promotion or transfer? A. Or any promotion, or any recommendation that I have ever made; I want to say that in the most positive manner possible.

Q. You have the opportunity and cheerfully; can you say the same thing for your brother, Barney Martin? A. Yes, sir.

Q. He is also a district leader? A. I believe that I can say that for him; yes, sir.

Q. He is a Tammany Hall district leader? A. Yes, sir.

Q. And has to do with appointments and promotions, and transfers? A. Yes, sir; he recommends them occasionally.

Q. He recommends a great many, don't he? A. Occasionally; yes, sir; not a great many, I don't say.

Q. Doesn't his name figure rather more so than anybody else? A. I don't think so; no, sir.

Q. Wont you look that over to-night and see? A. I admit he has recommended a great many to me for appointment.

Q. I would like you to tell the committee whether it is not true that the recommendations made by your brother are more frequent? A. I shall tell the exact number of recommendations he made on which appointments were made.

Q. Can you do that now? A. No, sir; I can not, but will tell you.

Q. Will you tell whether his recommendations are more frequent than that of any other single individual? A. Well, the investigation will show that.

Q. Exactly; you can tell that to-morrow; did you ever hear it charged that your brother received any money for these appointments? A. No, sir.

Q. Do you know Sergeant Foody? A. Yes, sir.

Q. Where is he stationed? A. Sergeant Foody is, I think, in the fifteenth precinct.

Q. Is that the Jefferson Market court? A. No; he used to be in the fifteenth precinct, and has been transferred to take charge of the Jefferson Market court.

Q. Was that done at your brother's request? A. Yes, sir.

Q. He is a resident of your brother's political precinct? A. He was, at that time; I don't know whether he resides there or not; he was doing duty in the fifteenth precinct, which formed part of that district.

Q. He was a shining light in your brother's club? A. I don't know that.

Q. Do you know anybody that belongs to your brother's club? A. Yes, sir.

Q. Do you know any policeman that belongs to it? A. No, sir; I do not.

Q. You can not say whether Sergeant Foody was one of his prominent men there? A. I can not say.

Q. Did you ever hear it charged that Sergeant Foody is a go-between for your brother? A. No, sir; I never heard of it.

Q. Do you know, as a fact, that while Sergeant Foody was in the fifteenth precinct, no complaint was sustained or permitted against any member of the police force, who is also a member of your brother's club? A. No, sir; I don't know the first thing about that.

Q. You remember the fact that Mr. Walter W. Bahan filed some papers for independent nomination for the Assembly last fall? A. Yes, sir.

Q. You familiarized yourself with the statutes on the subject of nomination? A. Yes, sir; I thought I did.

Q. And you learned from the statutes that unless objections were filed within three days after the original papers were filed, it was the duty of the commissioners to print the ticket? A. Yes, sir.

Q. And Mr. Bahan's certificates were filed on the 21st day of October? A. They were; yes, sir.

Q. And you received some objections on the 26th of October? A. We received some objections on the 24th of October.

Q. Were they sworn to? A. No, sir; they were not, as I recollect it.

Q. They were sworn to on the 25th and 26th, were they not? A. There were additional objections filed on the 26th.

Q. They consisted of affidavits, didn't they? A. They consisted, as I recollect it, of a statement of the objections, and affidavits accompanying them.

Q. And the affidavits were sworn to on the 25th and 26th of October, were they not? A. I think they were; yes, sir.

Q. And all there was that was filed was contained in those affidavits? A. There was a statement accompanied them in writing, as I recollect it.

Q. You know we had the clerk to produce those papers, and

he produced nothing but affidavits? A. I recollect reading testimony on that subject, and my recollection is at the meeting of the board of police on the 24th—just previous to the meeting of the board of police on the 24th—that was three days after the filing of certificates—that objections were brought there by Assistant District Attorney McIntyre, and I think Mr. Boyle was with him; Mr. Boyle, of that Assembly district; and that they said they had those objections, and that they would present further affidavits and objections a few days later, if they were given an opportunity.

Q. Did they file any with you on the 24th? A. They left a paper with me on the 24th.

Q. Didn't they come there and state they wanted time in order to prepare papers for filing? A. They said if they had time, they could prepare many affidavits and objections.

Q. You say they actually did file something on the 24th? A. They left something with me on the 24th.

Q. Will you produce that paper to-morrow? A. Those records have been taken from our office; the matter was in court here immediately after this; the certificate required, and I can not say what has become of it; I have not seen it since that time.

Q. You know your clerk was subpoenaed to bring the papers here? A. Yes, sir.

Q. And he brought nothing but the affidavits? A. Yes, sir; and he told me those papers were not at the police department, and he hadn't seen them from the time they were taken to the court.

Q. And there was no file mark on the affidavits? A. The probability is the file marks were on the outside of these papers; they may have got detached in some way.

By Mr. Nicoll:

Q. The balance must be in the county clerk's office? A. I suppose what was there must be filed with the county clerk; there was no reason for anything of that kind—for a police board to throw out a certificate unjustly, or illegally, of a person.

By Mr. Sutherland:

Q. Was there any reason for receiving those protests after the statutory time had elapsed? A. No, sir.

Q. Why did they receive them? A. I think they had a right to take what they left there.

Q. You mean to tell the committee there was something filed there within the three days? A. I think there was a statement

left with me on the 24th, the certificate was laid over on the 24th to the 26th, and these people came on the 26th, and came there and made objections.

Q. Did the clerk of the board know anything about the filing of this paper? A. I don't know that he did.

Q. Do you know the statute says that objections must be filed with the clerk? A. I don't think it does; I think the statute says that objections in writing must be filed within three days; I don't think it says with the clerk.

Q. It says with the officers where the other papers were filed, don't it? A. I don't think so; maybe so.

Q. Do you remember reading the testimony of Mr. Bahan, that in company with another gentleman he went to the clerk's office on the third and fourth days after his certificate was filed to see if any objections were filed? A. Yes.

Q. And, on each occasion, he was informed none had been filed? A. Yes, sir; I saw that.

Q. And you know the statute said that unless a written objection thereto should be filed in the office in which the certificate—

By Mr. Nicoll:

Q. What page and section are you reading? A. Section 49, page 36.

Q. You knew the statute read that unless written objections thereto shall be filed in the office in which the certificate is filed within three days after the filing of the certificate, then the nomination should go on the printed ticket? A. That was not my understanding of it.

Q. Look at it and see if I read it correctly? A. I understand you read it correctly.

Mr. Nicoll.—Now turn to section 44.

Mr. Sutherland.—I beg your pardon; I am examining the witness.

Mr. Nicoll.—I know, but you can not—

Mr. Sutherland.—Yes, I can.

Mr. Nicoll.—You can not put him in a position without calling his attention to section 44, where it says, the certificate shall be filed in the office of the board of police commissioners.

Mr. Sutherland.—Exactly.

Mr. Nicoll.—It does not say it shall be filed in the office of the clerk. "It shall be filed in the office of the board of police commissioners."

Q. You have read this section 49? A. Yes, sir.

Q. Who is the clerk of the board of police commissioners? A. William H. Kipp.

Q. Who indorsed the nomination? A. William H. Kipp, I think, or some of his employes.

Q. Now, was there any clerk specially detailed to take charge of these election papers? A. I don't know that, sir.

Q. Do you know that William Delamater had personal charge of them? A. I think he had a great deal to do with them.

Q. Didn't he have personal charge of the papers? A. My recollection is, the clerk said he had charge of them himself.

Q. It was either Mr. Kipp or Mr. Delamater had charge of them? A. Either one of the two.

Q. And if any papers were filed with either of these gentlemen there were no papers on file in the office? A. I think they had a right to file them with me.

Q. Did you carry them around in your office? A. No, sir; I left them in the president's room, or sent them to the clerk's office; I don't know which.

Q. You mean to say you don't know what was done with a paper of that sort that was given you? A. I can not recollect it now; no, sir.

Q. What was your duty in regard to that paper? A. To present it to the board of police.

Q. Was the board of police in session when the paper was given to you? A. No; I don't think the board was in session.

Q. What was your duty in regard to the disposition of the papers? A. I think it should find its way to the board and to the clerk's office; I think it ought to go to the clerk's office.

Q. Did the paper go to the clerk's office? A. I don't know; I can not answer that.

Q. You don't think the clerk would lie to Mr. Bahan? A. No, sir; I do not.

Q. And if the clerk informed him that there were no papers on file, he was telling the truth, wasn't he? A. I think so.

Q. That was the truth, wasn't it? A. I don't know that.

Q. What instruction did you give Captain Doherty in regard to Mr. Kempner's contest? A. I gave him no instructions.

Q. Did you know the policemen were going around through the precinct taking down Kempner's pictures? A. I did not know, until Superintendent Byrnes told me there was some complaints on that subject.

Q. And you never gave him any authority on that subject? A. I never did.

Q. After Mr. Maynard's defeat, was there a large increase in the number of arrests under the Excise Laws?

Mr. Nicoll.—After what?

Mr. Sutherland.—After the defeat of Maynard. Do you know Maynard,

Mr. Nicoll.—I know he was defeated.

The Witness.—I suppose he had a good deal to do with the Excise Law.

Q. Answer that question. A. I can not answer that question; I think the arrests for violation of Excise Law had increased in the last few months.

Q. Was it not increased—up to election time the arrests were about 50 each Sunday, for violation of the Excise Law? A. I can not answer that.

Q. It is not true, after Maynard was defeated, and it was found that the liquor dealers did not vote for him as generally as was expected, that the arrests increased to about 150 each Sunday? A. I can not answer that, sir.

Q. Can you tell whether there was an increase after that election? A. I think there was an increase; yes, sir; I can not tell just when it commenced.

Q. Mr. Martin, how many gambling-houses are there in the city of New York? A. I can not answer that, sir.

Q. Well, your office has a record of them? A. If it has; yes.

Q. The rules require that the records be kept? A. Yes, sir.

Q. Can you give us any idea of the number? A. No, sir; I can not.

Q. Can you tell us anybody that can? A. The superintendent of police.

Q. Anybody else? A. I suppose I can obtain the record for you, and will be glad to do it.

Q. Have you ever examined it? A. No, sir; I never have.

Q. Never had any curiosity on that subject? A. No, sir.

Q. How many houses of prostitution are there in the city? A. I can not answer that, either.

Q. And the record of their number is in the office of the superintendent? A. I suppose it is.

Q. The rules require such a record to be kept? A. Yes, sir.

Q. And, as you understand it, the police captains make reports on that subject, don't they? A. I understand that they do; yes, sir.

Q. And the inspectors; how often are those reports made? A. I think they have monthly and weekly reports.

Q. Both captains and inspectors? A. I think so; yes, sir.

Q. Are you equally unable to tell how many policy shops there are? A. I am equally unable to tell.

Q. In regard to the various disorderly houses, then? A. Yes, sir; I can not tell.

Q. And during all the years you have been police commissioner, you never have examined the record to see how many there are, or where they are located? A. No, sir; I have not.

Q. There were constant complaints about those places? A. Yes, sir; I have heard some complaints.

Q. And your attention has been turned to them very especially by Parkhurst and his society? A. Yes, sir.

Q. And hasn't that led you to go to these records to see what houses were put down as disorderly in this category? A. No, sir; I have not.

Q. Have you ever asked the superintendent to bring this record before the board? A. No, sir.

Q. Have you ever suggested any measure to the board of police commissioners for the suppression of these houses? A. No, sir; I have not.

Q. Has any member of the present board of police commissioners suggested any new regulation or measure for the suppression of these houses? A. No, sir; I don't think any member of the board has brought any suggestion before the board on that subject.

Q. Has the subject of the suppression or diminution of these disorderly houses been a matter of discussion before the board of police? A. No, sir.

Q. What do you meet for? A. For the transaction of official business connected with the board.

Q. What official business? A. Matters affecting the government of the force as charged in the statute; and also matters connected with the discipline of the force, as charged in the statute.

Q. The statutes make the board of police commissioners in supreme command of the police force in the city of New York, do they not? A. We are in command; yes, sir.

Q. Supreme command; there is nobody who has power to overrule you, is there? A. No; I suppose not.

Q. Neither the superintendent or the mayor or anybody else? A. No, sir.

Q. And you are required to adopt regulations covering the conduct of these police officials, are you not? A. Yes, sir.

Q. And from time to time you have adopted such regulations? A. Yes, sir.

Q. And you amend them from time to time? A. Yes, sir.

Q. So much so, that when I applied for a copy of the present regulations, it was difficult for me to get it, because the new one is now in the hands of the printer? A. Yes, sir; we are having a number of them printed now.

Q. And those amendments come from time to time, according as the necessities of the force demonstrate to the commissioners? A. Yes, sir.

Q. The need of somethings in the regulations? A. Yes, sir.

Q. When was this last edition of regulations printed? A. I don't know; it would show there on the title page.

Q. In 1891, is it? A. In 1891; yes, sir.

Q. And there are any number of amendments to those regulations pasted in on slips, are there not? A. Yes, sir.

Q. A large number of them? A. Not a very great number.

Q. Fifty or 75? A. I hardly think that many; I should not think there were that many.

Q. Somewhere from 30 to 50? A. Well, yes; I will say a couple of dozen, I suppose.

Q. Now, what amendments, if any, have been introduced in the regulations of the department looking to the greater efficiency of the force in suppressing these disorderly houses? A. I don't think there have been any amendments introduced; I think the rules are pretty complete on that subject.

Q. Do you mean to say it is impossible to increase the efficiency of the force in that direction? A. Well, it might be increased.

Q. How? A. I think the action of the board recently in making some convictions of captains will have that effect.

Q. Well, I understand you, that some of these captains are innocent men? A. I said, in one case, there was some doubt about it.

Q. How else can the efficiency of the force be increased than by occasionally convicting a captain on insufficient evidence? A. I don't know that I can answer that.

Q. Commissioner, can you advise this committee with regard to any manner, any method, by which the efficiency of the police force of the city of New York can be increased?

Mr. Nicoll.—I object. When I undertook to examine Mr. Otto Kempner on that subject, at the very outset of the investigation, the counsel objected, and the chairman sustained his objection with a statement that they did not propose to take opinions of witnesses, as to the different methods of increasing the efficiency of the police force or improving its administration; and that I understood to have been the rule laid down by the committee at that time. I was about cross-examining Mr. Kempner upon the question as to whether he thought a single-handed commission or a bi-partisan commission, or a commission composed of all one political complexion, was the most efficient method of governing the police force; and you recollect, Mr. Chairman, that you sustained Mr. Sutherland's objection, and

forbid that line of investigation. Now, he asks the same question of Mr. Martin; he asks him, I suppose, whether he thinks a bi-partisan police or a single-headed commission, or a commission consisting as it now is, of two Democrats of the regular organization, one independent, and one Republican, as the most efficient means.

Senator Bradley.—He has not got there yet.

Mr. Sutherland.—Not at all.

Mr. Nicoll.—He is on that line. I am opening up to illustrate my objection, and, on that ground, I think the committee ought to sustain it.

Chairman Lexow.—There are two reasons why this evidence, now, is competent. First, for the purpose of ascertaining whether the president of the board of police is attending to his duties sufficiently to come to a conclusion as to whether or not there are sore spots here or there in the police department in the city that in his judgment might be prevented by other additional legislation or by some other method, and it is for us to ascertain what legislation is necessary for that purpose. In the second place, while a question in reference to disease would be absolutely improper to a layman, a question in reference to that disease would be proper with a physician; we have the president of the board of police on the stand now, who ought to be, or should be considered an expert on matters of this kind; Mr. Kempner was an ordinary layman, who, I do not suppose, had any more knowledge about this matter than any other layman would have; on those two grounds his testimony is entirely different from that that could be adduced from Mr. Kempner, and would be competent in this witness, and would not with him.

Mr. Nicoll.—On the last ground on which the chairman has allowed the question, has the chairman forgot I questioned Mr. Kempner as an expert and proved from his own lips that he was a profound student of all matters relating to municipal administration, and had devoted years of his life to the study of these questions; Mr. Kempner very readily admitted it, and qualified himself as an expert within all the rules.

Chairman Lexow.—No, it did not so appear to the committee at the time; and in addition to that, he would be a theoretical one, and this witness would be a practical one; the question is this: the question has been put to this witness whether, under certain circumstances which appear in evidence here, he did not think it his duty to look into the subject, to consider methods to get rid of obvious imperfections and obvious inefficiency in the police force; it seems proper under the circumstances to continue that line of examination for the purpose of letting this com-

mittee ascertain the competency of the head of the department, and any suggestion he could make for the purpose of bettering the force?

Mr. Sutherland.—This question leads up to another one, which I regard as one of importance.

Mr. Nicoll.—I want to call your honor's attention to the language in which you ruled upon my question in regard to Mr. Kempner; I said, "As I understand the purpose of this committee is to collect information for the purpose of framing some law in relation to the government of the department, we have before us a gentleman, very active in New York politics, who has been himself a legislator, and, being a candidate, on several occasions, has written on municipal administration, and given a great deal of time and attention to the subject, and has had personal experience; would it not enlighten the committee greatly to have his view?"

Senator O'Connor.—It has not been ruled out.

The Chairman (after some consideration with the other member of the committee.)—"The judgment of the majority of this committee is, that we want facts; we do not want the opinion of witnesses."

Chairman Lexow.—Of a witness of that kind who has no intimate knowledge on the subject under discussion, except it be possibly a vague one.

Senator Bradley.—You did not qualify that; there is no qualification in that.

Chairman Lexow.—There was no reason for that qualification there.

Senator Bradley.—I think your point is right.

Senator Cantor.—The chairman is overruled.

Mr. Nicoll.—It is only fair to the chairman that I should go on and state something; I then made some remarks which I wont read again, upon which Senator Cantor contributed some light on the subject, and then the chairman said: "At this time the testimony will be excluded; if afterward, on consultation of the committee, they desire to admit it, we will admit it," that was about all.

Chairman Lexow.—That contains a qualification; and in addition to that, the testimony is entirely different. The witness here has already testified that in his judgment the membership of policemen in political clubs tended to impair the efficiency of the force. Now, the question is, whether, in the judgment of this witness, there was anything else that tended to impair the efficiency or increase the efficiency of the force.

Senator Cantor.—That is your opinion, and the majority of the committee is against you, Mr. Chairman.

Mr. Sutherland.—Does the committee desire to hear any suggestions of those who are in command of the police of the city of New York?

Chairman Lexow.—Not until after the committee have decided this matter. The chairman insists on his ruling, subject to a reversal by a balance of the committee. If the rest overrule the chair, it is excluded.

Senator Bradley.—Of course, you can ask him if he can make any suggestions.

Chairman Lexow.—I suggest to Senator Bradley not to lay down the rules of evidence. That should be done by the chairman.

Mr. Nicoll.—May I be permitted to ask the counsel whether or not his question relates to legislation on the administering of affairs by a different commission than now?

Mr. Sutherland.—It has no relation to the bi-partisan bill in the slightest degree.

Senator Cantor.—I supposed it was in relation to that bill.

Mr. Nicoll.—I thought that was the line of examination.

Chairman Lexow.—If counsel insists on his objection—

Senator Cantor.—If that is the question, the committee is with the chairman.

Mr. Nicoll.—If that is a fact, I will withdraw my objection.

By Mr. Sutherland:

Q. I want to know if you can tell how the efficiency of the New York police force can be increased? A. No, sir; I can not.

Q. I want you to advise the committee whether there is any sort of regulation or statute, or common law, which could be put into effect which would increase the efficiency of the police force in New York city? A. No, sir; I can not.

Q. Can not you advise the committee of some way in which you can get better detectives? A. No, I—

Q. The Legislature is anxious to give you relief on that subject? A. I think there is power enough in the police department to get better detectives.

Q. Where? A. With the captains and superintendent.

Q. How shall they be put in motion?

Mr. Nicoll.—What you want to do is to increase the salaries, and then more expert men will be obtained.

Mr. Sutherland.—We will put you on the stand by and by, Mr. Nicoll.

The Witness.—That probably would have a good effect.

By Senator Bradley:

Q. Mr. President, do you believe there is another detective force superior in the world, or equal in the world, to the New York detective force? A. I don't think there is another in the world superior to it, or superior to it as a force, as it is at present.

By Mr. Sutherland:

Q. You do not think it is possible to increase the efficiency of the force? A. Yes, sir.

Q. Or your ward detectives? A. There might be found some better men here and there, I think, for that purpose; generally, I think, they are good men.

Q. Your opinion is that the average of the ward detective police is of a high character? A. So far as I know; I have not met them personally; they seem to be all right; we have had no complaints except in a few instances.

Q. And you can not suggest any means of increasing the efficiency of that force? A. No, sir; I suppose more scrutiny on the part of the captains, and superintendent, and board of police.

Q. Can you suggest how that scrutiny can be increased? A. By giving it more scrutiny, I suppose.

Q. Do you think that the powers of the police captains ought to be increased? A. No, sir; I do not.

Q. Do you think their duties should be enlarged in any direction? A. No; if anything, their duties might be lessened; that is, I mean to say, their districts ought to be lessened.

Q. Make a greater number of districts? A. A greater number of districts, and a greater number of captains.

Q. Do you think the powers of the inspectors should be enlarged or increased or varied in any way? A. I think the inspectors should—I think it would be a good thing if the inspectors should try the breaches of discipline in place of the police board.

Q. Act as a trial court? A. Yes, sir; on the trial of the lesser violations of the rules.

Q. Do you think another change should be made in their powers? A. I do not remember any other change that I could recommend at this time.

Q. Do you think there should be any change in the powers, or limitations of the powers of the superintendent? A. I think the superintendent has full power under the rules of the board.

Q. Full power to do what? A. Over the entire force.

Q. You do not think there should be any change, then, in regard to the office of superintendent ?

Mr. Nicoll.—I thought you were not going to inquire into the pending legislation ?

Mr. Sutherland.—I am not talking about the bi-partisan bill.

Mr. Nicoll.—It is a compromise bill, by which you give additional powers to the superintendent, and appoint two commissioners for each political party; now, is not that the legislation that is pending, or am I misinformed about that ?

Chairman Lexow.—Yes; that is pending.

Mr. Nicoll.—I do not know exactly the details of it.

Senator Cantor.—That is in the bill.

Mr. Sutherland.—Isn't it proper to give the judgment of this man ?

Senator Cantor.—Not exactly, because the bill provides for legislating this man out of office; it legislates this present board out of office.

Chairman Lexow.—I do not think it would be fair to put to this witness any questions on pending legislation matter, in which he is not intimately connected.

Mr. Sutherland.—I was not aware it would legislate him out of office.

Chairman Lexow.—Yes; certainly.

Mr. Sutherland.—I wont press the question if that is the situation.

By Chairman Lexow:

Q. I would like to ask a question; Mr. Commissioner, in your answers, you have laid the blame to some extent, at least, if not entirely, upon the neglect of police captains and others to familiarize themselves with circumstances affecting the police system under their charge; do you consider that the police commissioners have no duty devolving upon them, to look after matters of that kind themselves? **A.** No; the law devolves a duty of suppressing and preventing violations of law on the uniformed force of the department.

Q. But isn't it your opinion, that you, as police commissioners, have the duty of looking after and seeing to the suppression of vice and crime by your subordinates? **A.** Yes; I believe it is our duty.

Q. When you then have spoken of neglect of duty on the part of the captains, was it not also your neglect of duty in not seeing that the captains performed their duty? **A.** No, sir; I do not think the law impresses upon the board of police com-

missioners the necessity of personally making examination of those matters.

Q. Then your opinion is that your duty is confined to receiving complaints and charges and disposing of them after being made?

A. Yes; I think so.

Q. And not to take any initiative on your part to ascertain whether there were reasons for charges? A. Well, if we think that the captains, or the inspectors, or the superintendents, are not doing their duty we have a right to prefer charges against them ourselves.

Q. Do you? A. No, sir; we have not.

Q. You never have? A. We have in one case recently; yes; in one case recently.

TENTH MEETING.

New York, April 7, 1894.

Present.—Senators Lexow, Saxton, Bradley and Cantor.

Herman H. Hansen, being called as a witness, duly sworn and examined by Mr. Sutherland, testified as follows:

Q. Where do you reside? A. No. 160 East Fifty-ninth street.

Q. What is your business? A. Stenographer.

Q. Were you a Republican watcher at the last election? A. Yes, sir.

Q. Where stationed? A. No. 38 Division street.

Q. What election district is that? A. Third election district and First Assembly, I think.

Q. In your capacity as watcher, tell us what you saw of the conduct of the police? A. Well, from what I saw, there were a good many irregularities, and the police made no arrests during the day, to my knowledge.

Q. Were the police requested to make any arrests? A. Yes, sir, I believe in one instance, when one of the poll clerks challenged a man who had been sworn in.

Q. Challenged him on what ground? A. On the ground that he voted before; he was very positive that he had, and I believe he called for his arrest, but no arrest was made, and he was allowed to go.

Q. Was there any reason given for allowing him to go? A. I believe not.

Q. What other irregularities did you observe? A. Well, there were people who voted before, and who came in the second and third time to vote, and they were told to go out.

Q. What did you do about it? A. They were challenged, of course, and told to go out.

Q. By whom? A. By myself, and sometimes by the Republican inspector.

Q. Then what? A. Then he went out, and in some instances he returned, and, of course, was expelled.

Q. Expelled by whom? A. By the inspector.

Q. Did the police take any part in this? A. None whatever, that I could see.

Q. And even the man he was directed to arrest was not arrested. A. No, sir.

Q. Do you know the name of that policeman? A. No, sir, I do not.

Q. Or his number? A. I am not certain, I think I made a report to the Republican Club, and I may have written the number in that report.

Q. But you do not recall it now? A. I have forgotten it now.

Q. Were you permitted to occupy the station within the rail? A. No, sir; I was not, in the morning.

Q. Who prevented it? A. Well, the inspector, that is, the chairman, and on appealing to the police, I did not seem to receive any assistance whatever.

Q. Did you appeal to the policeman? A. I did.

Q. What did you say to him or them? A. Simply said that I insisted on my rights to go inside this railing.

Q. Did you show your certificate? A. Yes, sir.

Q. Certificate signed by the chairman and secretary of the county committee? A. I believe the certificate was signed in the regular way; it was given me by the Republican Club.

Q. The ordinary printed certificate? A. Yes, sir.

Q. Anybody make any objection to its regularity? A. No, sir.

Q. You showed that, and what reply did you get? A. That it was all right, and that I could watch, but on my insisting on looking inside the railing, I was told to get out.

Q. Who told you to get out? A. The chairman.

Q. To get out of where? A. To get outside of the railing.

Q. Were you then inside the railing? A. I was then inside, and made a vigorous protest against it, but to avoid any further trouble, I went out, and it was only during the afternoon I went in.

Q. Was a policeman there, when you were ordered outside the rail? A. Yes, sir.

Q. You appealed to him? A. Yes, sir.

Q. What did he say or do? A. He said, "I think you better go outside the railing anyway, to avoid any trouble."

Q. Anything else? A. I believe that is all.

Cross-examined by Mr. Nicoll:

- Q. Did you make any complaint to the captain? A. Yes, sir.
- Q. To the inspector of the district? A. To the inspector of the district?
- Q. The police inspector of the district? A. I don't believe there is any there.
- Q. Did you make any complaint to the board of police? A. No, sir.

By Mr. Sutherland:

- Q. Did I understand you to say that the policeman told you you had better get out of the polling place itself? A. No, sir; outside of the railing.

Adolph Freund, called as a witness by Mr. Sutherland, being duly sworn and examined, testified as follows:

- Q. Where do you live? A. Two hundred and forty-eight Stanton street.

Q. Where did you vote last fall, 1893? A. In 140 Forsythe street.

Q. What Assembly district is that? A. Third Assembly district.

Q. And nineteenth election district? A. Yes, sir.

Q. What time of the day did you go to the polls? A. Between 12 and 1.

Q. What occurred after you got there? A. They told me when I went there in the polling-room; the election inspector told me I could not vote; I had voted already, and I told him; I asked him how that was, because I was able to prove that I did not vote, and he told me it was no use talking; I had voted already; I asked him if he would let me swear in my vote, and he refused, and the policeman that was in the pollroom told us to get out, and I opened the door to get out, and the policeman gave me a kick with his foot to go out quick, and on the street I met two friends of mine, who came from the city I came from, and they told me not to bother myself with voting; it was all humbug, they told me.

Q. Where did you go from there, after the policeman kicked you out? A. I went to the station-house at Eldridge street, and I told the man there behind the bar how it was; I told him the whole story; and he told me he could not do anything for me; I could not vote; and when I went to walk out from the station-house, he called me back.

Q. Who, the man sitting behind the desk? A. Yes, sir; and asked me, "For whom were you going to vote?" I told him

I had nothing to do with the police, and I was never arrested, and it made me afraid, and, therefore, I told him Tammany Hall, because I thought I would be locked up over night, or something like that, and I did not like to get in trouble.

Q. What did he say? A. He called out a detective with a black mustache, big, stout fellow, and told me to go with him to the pollroom, and that I should get my vote in all right.

Q. What happened then? A. He talked with the captain in my district.

Q. You mean the Tammany captain? A. Yes, sir; and after the talking, turned around to me, and told me, "You could not vote, you voted already;" and I was so excited I went down to the "World" office and I told it there in the office, the whole story, and he sent a reporter with me to the Superior floor, I think it is, the evening editor, and there I told him the whole story, and he sent a reporter with me to the Superior Court, and I got a mandamus from Justice Andrews.

Q. And you went back and voted? A. Yes, sir.

Q. Do you know who the policeman was? A. No, sir.

Q. Did you get his number? A. No, sir.

Q. Did you know the name of the man behind the desk at the Eldridge street station? A. No, sir; I was too excited; I did not look for no number or anything at all; I was afraid of getting locked up, and I could prove it that I was not out of the house on election day before.

Q. Were you out of your house election day before you went there to vote? A. No, sir.

Q. And you had not voted before that day? A. No, sir.

Q. Do you know who it was voted on your name? A. No, sir.

Q. Were you acquainted with any of these inspectors? A. No, sir.

Q. How long had you lived in that district? A. Seven months before election; I lived seven months.

Cross-examination by Mr. Nicoll:

Q. Are you a member of the Tammany Hall organization? A. No, sir.

Q. Of what organization are you a member? A. None.

Q. How long have you lived in the city of New York? A. Over five years.

Q. Where did you come from? A. From Germany.

Q. When did you come from Germany? A. Over seven years ago; I was in San Francisco about two years; the first two years I was in California.

Q. What were you doing there? A. I worked there.

- Q. At what? A. Cigars; I am a cigarmaker by trade.
- Q. The making of cigars? A. Yes, sir.
- Q. You came to this city five years ago, you say? A. Yes, sir.
- Q. Have you been making cigars ever since? A. Yes, sir.
- Q. Who do you make cigars for? A. Sutro & Newmark. Seventieth street and Sixth avenue.
- Q. Is he a manufacturer of cigars? A. Yes, sir.
- Q. Are you a married man? A. Yes, sir.
- Q. Where do you live in the city of New York? A. At the present time I live at 248 Stanton street.
- Q. You have a room there? A. Yes, sir.
- Q. And at that time you were living where—at the time of the last election you were living where? A. One hundred and sixty-nine Eldridge street.
- Q. Where did you vote on election day in 1892? A. During the election of 1892 I lived in the same house I live now; I lived there the second time in 248 Stanton street.
- Q. Where did you vote in the election of 1892? A. Furniture store in Houston street.
- Q. That was the polling place in the district in that year? A. Yes, sir.
- Q. Did you vote in the same district in 1893 as you did in 1892? A. Yes, sir.
- Q. What district did you vote in in 1893? A. Third Assembly district.
- Q. You were a stranger in that district? A. Yes, sir.
- Q. Did you not know any of the election officers—inspectors or poll clerks or ballot clerks? A. No, sir.
- Q. Or the police officers? A. No, sir.
- Q. As I understand you to say, when you came forward to vote, somebody objected that your name had been voted on? A. Yes, sir; it was the election inspector, I think, who was behind the bar.
- Q. He noticed that a vote had already been cast upon your name? A. Yes, sir.
- Q. And that was the ground upon which he refused to let you vote? A. Yes, sir.
- Q. And thereupon you went down and saw the editor of the World and accompanied by a reporter procured a mandamus and did vote upon your name? A. Yes, sir; I asked the inspector of election before I went away to let me swear in my vote, and he refused that, and the policeman told me to get out of the pollroom.
- Senator Bradley.—He helped you out?
- A. Yes, sir; he gave me a kick with his foot.

Q. What was the number of the police officer? A. I did not look at the number.

Q. His name? A. No, sir.

Q. Have you seen him since? A. I have seen many policemen, although I don't know if I seen that policeman; maybe I did and maybe not; would not swear to it.

By Senator Bradley:

Q. When you were stopped there, you said something about some man offering you money? A. Yes, sir.

Q. Someone tried to buy your vote? A. Yes, sir; the story was in the Evening World, and all the papers.

Q. Who was the man offered you money? A. I never saw him before.

Q. How much did he offer? A. Two dollars; I told him I would not sell my vote any more than I would my life.

Q. What party did he belong to; was he a Republican or a Democrat? A. Democrat.

Q. Are you sure he was a Democrat? A. Yes, sir.

Q. Why? Because he offered me the Tammany paster.

By Senator Lexow.

Q. Do you know the name of the officer who was in the police station behind what you call the bar? A. No, sir; I never was in.

Q. Do you know whether he was a police sergeant? A. No, sir; I could not swear whether it was the sergeant or captain; I knew it was a stout man; I never in my life had anything to do with the police.

Q. Did he have a police uniform on? A. He got some gold stripes on his collar.

Q. How many gold stripes? A. Two gold stripes.

Q. Around his collar? A. Yes, sir.

By Senator Saxton:

Q. I suppose you had registered before you voted? A. Yes, sir.

Q. On what day did you go there to register? A. On the 18th, I think.

Q. Don't remember which registry day it was? A. Before the last two; second registry day.

Q. Were the same election officers there when you registered? A. Yes, sir.

Q. Did you have any talk with them? A. No, sir.

Q. Simply had your name registered and went away? A. Yes, sir.

By Mr. Nicoll:

Q. Whose names were on the paster? A. The names were— what I voted?

Q. The names on this Tammany paster? A. Sullivan and Roesch were on; after I got the mandamus, the paper I voted had the name of McGibney on.

By Mr. Sutherland:

Q. Voted the straight Republican ticket? A. Yes, sir.

Joseph Gano, called as a witness by Mr. Sutherland, being duly sworn and examined, testified as follows:

Q. Where do you reside? A. Fifty Ninth avenue.

Q. What is your business? A. Truckman.

Q. How long have you resided there? A. Three years.

Q. How long have you been engaged in that business? A. About 11 months, this month.

Q. In what Assembly district is that? A. The ninth.

Q. Is that the district in which Mr. Bahan received the independent nomination? A. Yes, sir.

Q. Did you know Mr. Bahan? A. Yes, sir.

Q. Did you sign his papers? A. Yes, sir.

Q. Anything happen to you after that? A. Yes, sir.

Q. What was it? A. I had a couple of gents come to me and said, "Did you know you were doing wrong when you signed his paper?" I said, "I did not;" he said you did; you better go up and sign Mr. Boyle's papers and take his indorsement off of that;" I said, "I will not;" about half an hour after a policeman came up to me and said, "They want you around to the station-house;" I said to him, "What do they want me there for?" he said, "I don't know; you will have to come;" I jumped on the truck and went with him, and went as far as Eleventh street and Bleecker, and a man came up and said, "Hello, Tom!" to this policeman, who was on the truck with me, and he went down and spoke to the man, and the policeman called me down and this man said to the policeman, "That is all right; I know this young man; go and tell him you could not find him," and the policeman went off, and I went off with this man on the truck, and as I got on the truck I went up and got as far as Bleecker and Bank, and this man said, "Come in and have a drink;" and I said, "Oh, I was obliged," and he said, "Come in and have a cigar," and I said, "I will

have a cigar," and I walked in and had one, and came out, and he said, "You know Bahan has not the power I have, that Tammany Hall has;" and he said, "You go and take your name off that;" "No," I said, "I will do nothing of the kind," and I kind of thought then of the trick they were trying to play on me, and that ended it, and they did not bother me after that.

Q. Did you see this same man afterward? A. Yes, sir; he came down afterward, and said to me, "I understand you want a license."

Q. The same man who met the policeman? A. Yes, sir; he came down afterward and said to me, "I understand you want a license;" I said, "That is what I am looking for."

Q. License for what? A. License for a truck; and he said, "You go up to Mr. Boyle and he will write you out a note for a license;" and I went up and Mr. Boyle wrote a note for me to go and get a license.

Q. Who is Mr. Boyle? A. The Tammany Hall leader of the Ninth Assembly district—James W. Boyle.

Q. Did he give you a note? A. Yes, sir.

Q. Addressed to whom? A. To some man down here, board of excise; I believe I have that same note yet, and when I went down, they said, "You can not get any license until November 1st; that notice is no good;" when I got that note Boyle said to me, "You better go over and sign your name to that."

Q. To what? A. To his petition, and I was all mixed up, and I went.

Q. What was the paper that Boyle had? A. Some paper there, stating that you did not know what you were doing, or something of that kind, I understood, after I signed it.

Q. In regard to McDermott's and Bahan's canvass? A. Yes, sir.

Q. And this paper was in the interest of McDermott, and against Bahan? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. You first signed for Bahan? A. Yes, sir.

Q. And then Mr. Boyle undertook to get a license for you? A. Yes, sir.

Q. And then you signed for McDermott? A. Yes, sir.

Q. You did not get your license? A. No, sir.

By Mr. Sutherland:

Q. Do you know the name of the man who jumped on the truck? A. No, sir; I have been trying to find out since.

Q. Stranger to you? A. Yes, sir.

By Senator Bradley:

Q. Do you know the policeman? A. No, sir.

Q. Or his number? A. No, sir; I have been looking for the past two days to see if I could find his number, and could not find it.

By Mr. Sutherland:

Q. You would know him again if you saw him? A. Yes, sir.

Q. Is he still on the force; have you seen him since that? A. No, sir; I have not seen him since that.

Walter C. Smith, called as a witness by Mr. Sutherland, being duly sworn and examined, testified as follows:

Q. What is your business? A. I am a clerk.

Q. For whom? A. The International Navigation Company.

Q. Were you a watcher in the last election? A. Yes, sir.

Q. Where stationed? A. Fortieth election district and Second Assembly district.

Q. You have your certificate with you? A. Yes, sir.

Q. Produce it? (Witness produces a paper.)

Mr. Sutherland (reading certificate) — "Republican county committee, New York, a political party organization, which has duly filed a certificate of the nomination of candidates for office to be filed at the general election to be held on the 7th day of November, 1893, does, by virtue of the power given to it by section 102, of chapter 680, of the Laws of 1892, appoint Walter Smith as watcher, to attend the polling place of the fortieth election district, of the Second Assembly district of said city and county, during said election; in evidence whereof, the chairman and secretary of said committee have signed this appointment the 3d day of November, 1893. (Signed, John H. Smith, chairman; William H. Bellamy, secretary.)"

Q. With that certificate in your pocket did you attend? A. I did, sir.

Q. What time in the morning did you reach there? A. When the polls opened.

Q. That was what time? A. At 6 o'clock.

Q. Did you display your certificate? A. I did.

Q. To whom? A. The Republican Inspector.

Q. Did you meet with any difficulty? A. Not until the Democratic watcher appeared, who contested my right there and told the police officer to do his duty.

Q What did he say when he contested your right? A. Said I had no right behind the rail, that he, as a watcher, has no right behind the rail, and I, as a watcher, had no right.

Q. What did he say to the policeman? A. He said to the policeman to do his duty.

Q. Was that the expression he used? A. Yes, sir.

Q. Then what? A. I did not wait for him to do his duty; I went out; I went to Inspector Byrnes' office and had an interview with him, who referred me to the captain at the Elizabeth street station.

Q. What was his name? A. That I do not know.

Q. What did you do about it? A. I told him that —

Q. Did you go to the captain? A. Yes, sir; and showed my certificate.

Q. What time of the day was that? A. That was, I should judge, about 7 or half-past; I exhibited this certificate and told him that I wished to go behind the guard-rail, and read him an extract of the law, and he said that it was a technicality, and I had no right behind there, and he sent a man around to the election district with me, the polling place.

Q. Do you know who the man was? A. He was a policeman, one of the reserves, I think.

Q. Did he tell him how to settle it? A. No, sir; he did not tell him; he said I was in trouble around there and he should settle it.

Q. The captain told you you had no right there, behind the rail? A. Yes, sir.

Q. Was that in the hearing of this policeman that he sent around? A. That I can not swear to.

Q. He told this man to go around with you and straighten this matter up. What did you do then? A. I saw that the space behind the guard-rail was rather small, and that they might raise the objection that there would not be room enough for the voters and election officers and watchers, and I could see the boxes from behind the guard-rail as well, I did not insist on it any further, and remained the other side of the guard-rail, outside, until the count, when I went within.

Q. What did this policeman do, when you got there with him, or say? A. He spoke to the other policeman, the conversation I don't remember, the substance of it was I agreed to stay outside the guard-rail was rather small, and that they might raise the

Q. With whom did you make that agreement? A. With the policemen, and the other Democratic watchers.

Q. The policemen stationed at the polls or the policemen who went there with you? A. With really both.

Q. What did they say that led up to that agreement? A. I don't remember that conversation.

Q. Did they request you to stay outside the guard-rail? A. Yes, sir; they did.

Q. Did they say they would not allow you to go inside the guard-rail? A. They said I had no right behind the guard-rail.

Q. That was after this man came from the station? A. Yes, sir.

Q. Both policemen said you had no right there? A. Yes, sir.

Q. Did you request them to put you inside the guard-rail? A. No; for the reason I have stated.

Q. They both informed you that you had no right there? A. Yes, sir.

Q. Finally you agreed with them that you would stay outside? A. Yes, sir; I did.

Q. You promised that you would? A. Yes, sir.

Q. And then this other man went away? A. Yes, sir.

Q. Did you see any irregularities there that day? A. Well, I saw one repeater, and there must have been more repeaters, on account of the number of votes that were sworn in.

Q. You saw one repeater do what? A. Vote one name, and the reason I remember it was that he had a peculiar face, and he voted a Hebrew name.

Q. What kind of a face did he have? A. He was evidently an Irishman.

Q. What did you do about it? A. When this repeater entered the polling place, some of the other men who were with this Democratic watcher, they came into the polling place, and it seemed to me that if I had challenged the vote or objected in any way, that one of them would have struck me, and we would both have been arrested, and for that reason I did not object; I wanted to be present at the count.

Q. What made you think that anybody would molest you? A. From the fact that they surged into the polling place.

Q. How many surged in? A. I should judge half a dozen.

Q. Did they come in to get ballots; come in to vote? A. No, sir.

Q. Come in with this one voter? A. Yes, sir.

Q. What did they do after he had voted? A. They dispersed then, and went out.

Q. Where was the policeman during this occurrence? A. In the polling place.

Q. Where he could see these men surging in? A. Yes, sir.

Q. Did he attempt to stop them? A. No, sir.

Q. Could he see that they did not apply for ballots and did not vote? A. Yes, sir; he could.

Q. He made no objection to their presence? A. No, sir.

Cross-examination by Mr. Nicoll:

Q. I understand you to say that the Democratic watcher was kept outside the guard-rail? A. Yes, sir; he was outside.

Q. Did he remain out all day? A. Yes, sir; until the count.

Mr. Sutherland.—The ground for that was that there was no need of his being there; he did not have to watch anybody.

Q. At all events, he was not inside? A. No, sir.

Q. Could he see from where you were all that was going on inside? A. Yes, sir.

Q. You stood up by the rail, so you could see everything? A. Well, that was the reason I did not insist further.

Q. As matter of fact, the difference in your position from one side of the rail to the other, would not have made a difference of more than two feet, would it? A. I could have gone eight feet away, six feet.

Q. You did not do that, you stood up close? A. Inside the guard-rail; I could have gone eight feet further toward the Republican inspector.

Q. There was nothing to interfere with your sight, as to anything which was going on? A. No, sir.

By Senator Bradley:

Q. You say that this man who voted, voted on a Hebrew name? A. Yes, sir.

Q. You were there all day? A. Yes, sir; I was there, except about an hour when I took lunch.

Q. Did the Hebrew present himself that day and offer to vote? A. I can tell that by reference; I had a list of the—

Q. Did you see him come in and offer to vote, certainly it would cause a little disturbance if he came to vote and the inspector told him that he had voted before; that did not occur all day? A. No, sir; the Hebrew did not come in.

Q. Did you see anyone during the day assist voters in the booth? A. Yes, sir; there was an alleged blind man that was assisted.

Q. Only one? A. Yes; I remember one distinctly.

H. M. Reiss, called as a witness by Mr. Sutherland, being sworn and examined, testified as follows:

Q. Where do you reside? A. Four hundred and fifty-four West Forty-seventh street.

Q. What is your business? A. Clerk.

Q. For whom did you clerk? A. Stern Brothers.

Q. Were you a Republican watcher at the last election?

A. Yes, sir.

Q. Stationed where? A. Twenty-eighth election district, Third Assembly district.

Q. Whereabouts was the polling place? A. Three hundred and something Broome street; I have forgotten the number, 350 something.

Q. What time did you go there in the morning? A. I got there about 8.

Q. Did you display your certificate? A. I did.

Q. To whom? A. To the officer at first.

Q. That was the police officer? A. The police officer.

Q. To whom else did you display it? A. The chairman of the committee of inspectors.

Q. Did anybody question the regularity of the certificate? A. At first they did not; admitting me inside the guard-rail, and after about 25 minutes I was ordered out by the police officer.

Q. The same police officer to whom you had shown this? A. Yes, sir.

Q. What did he say? A. He said I had no right to be inside; I showed him the certificate, and called his attention to the rules and regulations of election, and he showed me one portion of it which read to his idea, and I showed him the other, and he said he can not help it, I must go out; and I did go out.

Q. Did he give you any reason why he let you in in the first place, and then ordered you out afterward? A. No, sir.

Q. What was his number? A. No. 2792, I believe.

Q. Did anybody else join in the conversation, when you were ordered out? A. Quite a number, at least half a dozen.

Q. Who were they? A. They were, I believe, Tammany men; I believe so.

Q. Were they election officers? A. I believe so; they were.

Q. What officers? A. Two inspectors.

Q. Who else? A. The third inspector took my part, claiming I had a right to be inside.

Q. Who else took part in the conversation? A. Outsiders.

Q. How many outsiders? A. About half a dozen outsiders.

Q. They were not election officers at all? A. No, sir.

Q. Where were they standing? A. Inside and outside the guard-rail.

Q. Inside? A. Inside; there were two constantly inside the guard-rail.

Q. Two of those outsiders? A. Yes, sir.

Q. They joined in with the policeman and insisted that you should go out? A. Yes, sir.

Q. What happened then? A. I went out and stayed out about 10 minutes, and finally I thought I better go back and stay outside, and see what was going on; I waited then until about 2, when Mr. Smith and Mr. Murray, of the Republican headquarters, came around, and they got out of the carriage, and instructed the officer to allow me to remain inside; said they had seen Superintendent Byrnes I believe; he then let me in; outside of myself, there were two inside as well.

Q. Two inside at the time? A. Yes, sir; before that and after.

Q. They were not election officers at all? A. No, sir.

Q. Do you know their names? A. No, sir.

Q. While you were there acting as a watcher, did you discover any irregularities? A. Yes, sir.

Q. What? A. I noticed outsiders going inside the booths with the voters.

Q. Did you say or do anything about that? A. I objected every time.

Q. To whom did you object? A. To the chairman of the inspectors.

Q. What was said or done? A. He told the men to go out; he had no business inside, but no sooner had he said it than he was in again.

Q. Where was the policeman at this time? A. In and out.

Q. Did he see these men going in the booth? A. Yes, sir.

Q. Did he hear the chairman tell them they must not go in? A. Yes, sir; because he spoke very loud and distinct.

Q. You say the man would step out and in? A. Yes, sir; no sooner turned his back than I saw another man inside.

Q. Did that occur frequently during the day? A. Yes, sir; quite.

Q. Did you see any other irregularities? A. At one time I came very near getting a licking.

Q. How did that happen? A. I saw one of the outsiders going inside the booth with a voter, and when he came out, I challenged his vote on those grounds, and finally he was thrown out, and he came around and was going to hit me.

Q. Who came around? A. The voter.

Q. How do you know he was going to hit you? A. Came around with his fist; there were several men between him and me, and naturally he could not do anything.

Q. Did you see any people there who claimed to be disabled? A. Several.

Q. How many? A. About half a dozen.

Q. What disablement did they claim? A. They were blind, and some men claimed they could not use their hands.

Q. Did those men who were blind give any evidence of blindness? A. The first man went inside and did not say anything, and got his ballots a few minutes afterward, and another man went inside with him, without the request of the voter to go in with him, and after he was rejected, he said that he was blind; he told the inspector that he was, this other man, that he could not see.

Q. Did he take any oath? A. After he came out the first time he took the oath.

Q. Took the oath that he was blind? A. Yes, sir.

Q. What happened then? A. Admitted him inside the booth, of course.

Q. This other man went with him? A. Yes, sir.

Q. Came out and he voted? A. Yes, sir.

Q. The first time, you say, the man went in without saying anything? A. Yes, sir; got his ballots and went inside.

Q. Did he walk to the poll clerks alone? A. Yes, sir; came in alone, and went out alone.

Q. Had no assistance given him in getting out? A. No, sir.

Q. Gave every appearance of having his eyesight? A. He walked slow, but he walked alone and knew where he was going.

Q. Was he blind or not? A. He was near-sighted, perhaps, but I could not say whether he was blind or not; he said he could not read, he was so near-sighted.

Q. So near-sighted he could not read? A. Yes, sir.

Q. Were there any other cases of that sort? A. Well, there were several that were totally blind; they swore that they were blind; they swore that they were blind, and naturally allowed inside with assistance.

Q. What was the appearance of these as to blindness? A. I don't know what you mean by appearance exactly.

Q. Appearance of being totally blind? A. Yes, sir; they were blind.

Q. Did you notice any Italians voting there? A. Several, I remember.

Q. Did any of those people swear they were blind? A. I don't believe they did.

Q. Did you see any of those people get money? A. No, sir.

(No cross-examination.)

Henry A. Snow, called as a witness by Mr. Sutherland, being duly sworn and examined, testified as follows:

Q. Where do you reside? A. No. 210 West Fourth street.

- Q. What is your business? A. I work for Scott & Barnes.
- Q. Were you a Republican watcher last fall? A. Yes, sir.
- Q. Where stationed? A. I have forgotten the election district, but it was No. 93 Chrystie street.
- Q. Did you take your certificate with you? A. Yes, sir.
- Q. Did you exhibit it? A. Yes, sir.
- Q. To whom? A. To the Democratic inspector.
- Q. Were you allowed to take your proper place? A. No, sir.
- Q. Who objected to it? A. There were some parties came in from the outside of the street, and seen me inside the rail and objected to it, and the Democratic inspectors they told me that I would have to get out; told me to get out; I said I had the privilege of staying in there; he called on the policeman to put me out and the policeman told me I would have to go.
- Q. Who was the policeman? A. I don't know his name, but I have his number.
- Q. What was it? A. No. 2155.
- Q. He ordered you to go out then? A. Yes, sir.
- Q. Did you go? A. Yes, sir.
- Q. At what time in the day was that? A. It was about 11 o'clock.
- Q. How long did you remain outside? A. I remained outside there until Mr. Smith came along from the Republican Club, and he asked me why I was outside, and I said I was put out, and he told me go inside the rail and stay there, and I did so until I guess about 1 o'clock or half-past, when these same people came in again and objected, and the Democratic inspector told me to get out, and the policeman said he would have to enforce the rule; I spoke about the rules in the little book they had, and they said that did not count.
- Q. Who said it did not count? A. The Democratic inspector.
- Q. You were put out again? A. Yes, sir.
- Q. Did you see any irregularities in the voting? A. Well, I think it was 27 repeaters there, but I did not see two men vote twice; at least, I did not see one man vote twice.
- Q. What names did they vote on? A. On men who had voted earlier in the morning.
- Q. On the same names already voted? A. Yes, sir; and these parties who did vote, claimed to be the right people, and swore all that was necessary, and it appeared that way.
- Q. How many cases of that kind were there? A. Twenty-five or 27.

Cross-examination by Mr. Nicoll:

- Q. Were you a witness before the grand jury? A. No, sir.

By Senator Bradley:

Q. Did you give testimony before the grand jury on these election frauds? A. No, sir; I have not; this is the first testimony I have given.

Q. Did you make a report of your testimony to Mr. Murray?
A. Yes, sir.

Q. You told him what you have told us? A. Yes, sir.

Q. Were you not afterward subpoenaed to come down before the grand jury to investigate these election frauds? A. I was subpoenaed to come here, that was all I received.

Q. This is the only court to which you have come? A. Yes, sir.

Q. You are a Republican in politics? A. Yes, sir.

James J. Martin, recalled for further examination by Mr. Sutherland, testified as follows:

Q. The regulations require you to keep a book of complaints made against officers, do they not? A. Yes, sir.

Q. Do you keep such a book? A. There is such a book kept in the office of the complaint clerk.

Q. Who is he? A. His name is Peterson.

Q. The regulations also require you to keep a record of the trials before you? A. Yes, sir.

Q. Who keeps that book? A. It is also kept in the clerk's office.

Q. By the same clerk? A. No, sir; by another clerk.

Q. What is his name? A. Derby; but I am not positive about that.

Q. You sometimes examine these records of complaints? A. No, sir; I do not; except as far as they come to my office.

Q. What is the purpose of keeping that record? A. That is for the purpose of reference at any time, to show the date of the complaints, date transmitted to the president's office for approval, or date returned, and date of the trial, and judgment rendered by the board.

Q. Isn't that the book upon which the fact that a complaint is made is first entered? A. Yes, sir.

Q. How do you learn that a complaint is made? A. The usual complaints for violation of the rules come from the captain of the precinct to the superintendent's office; from the superintendent's office to the office of the complaint clerk, where entries are made in those books.

Q. Then what? A. Then transmitted to my office, where, as chairman of the committee on rules and discipline, I examine the complaints as to form.

Q. These complaints come from the complaint clerk directly to you? A. Yes, sir.

Q. So you have knowledge, then, by communication from the clerk of every complaint that goes on that book? A. Yes, sir.

Q. Were there any complaints filed in your office against policemen prior to the last election, charges prior to the last election with regard to registration or conduct of the officers at registration places? A. I think there were some complaints in reference to the officers being inside the polling places, sitting down, in violation of the rules in that respect.

Q. You say on election day? A. No, sir; days of registration.

Q. Were there many such complaints? A. I think quite a number.

Q. Were there complaints against any officers growing out of any other infraction of the law referring to elections? A. Registrations?

Q. Yes, sir. A. I don't recollect of any.

Q. Do you remember that the newspapers were filled with the accounts of padded registration? A. Yes, sir; I remember there was something in the newspapers to that effect.

Q. Do you remember that investigations were had on that subject, and a good many names stricken from the registration list? A. There were some investigations made; yes, sir.

Q. Do you remember that it was charged that the police were implicated in that to some extent? A. I don't recollect that it was.

Q. Was there any complaint filed against officer No. 493 to your recollection? A. I do not recall it.

Q. Do you remember that the New York Herald and the New York Press, in the edition of Sunday, October 22d, published an account of the visit of their reporters, to the saloon kept by District Leader Timothy D. Sullivan, and their examination of the premises to see whether men could live in the stories whence they were registered? A. I remember there was something published in the newspapers on that subject.

Q. Do you remember that the same account said that on the floor above Mr. Sullivan's saloon, they found people engaged in gambling? A. I don't recollect the account in detail.

Q. And that officer 493 was there on both their visits? A. I remember there was something stated about a police officer being in the place.

Q. Did you take any steps to investigate the truth of that statement? A. I talked with Superintendent Byrnes about it.

Q. What else did you do? A. The matter was in his hands, he was investigating it.

Q. What else? A. Nothing further.

Q. Did you ever inquire what was the result of that investigation? A. No, sir; I did not; there was no special report made on it.

Q. Have you the complaint that was filed with your board by Dr. Parkhurst? A. I don't think the communication of the society is there, but I can state what it was.

Q. Yes; here it is; is that a copy of the communication? A. This is the answer of the Parkhurst Society to the resolution adopted by the board of police on the 24th of January, asking that they should present any evidence which they might have as to disorderly houses in the fourth precinct; in answer to the resolution adopted by us, of which you have a copy on the other paper.

Q. I now show you a copy of your resolution adopted on the 24th of January? A. The record shows that it was adopted January 23d, according to this copy; the letter of Mr. Parkhurst shows it was January 24th; I think the 23d is correct.

Q. But the letter unquestionably refers to the resolution I now have? A. Yes, sir; no doubt about that.

The two papers are marked Exhibits "A" and "B" of this date, April 8, 1894.

Q. Is this paper a copy of the memorandum that was presented to the commissioners with reference to policemen going about in citizen's dress to enforce the Excise Law? A. I suppose this is a copy.

Q. Is it a paper which you produce? A. The clerk informs me that on examination of the files of the police department the original of this communication is not on file; he can give the reason for that, as far as he knows, I suppose.

Q. From that data does he make this; this is furnished you by the clerk? A. Yes, sir; and I presume that is a copy of the original communication.

Q. Do you know where he — ? A. The clerk told me that he had sent to Senator Boyd and procured a copy in that way; the original paper has been mislaid somewhere in the office, it has been looked at so often lately.

Q. Then, so far as you can tell, this is an accurate copy? A. Yes, sir; it is.

(Paper marked Exhibit C of this date, April 7, 1894.)

Q. And that is a copy of the resolutions adopted by your board with reference to that memorial? A. That is a copy of the resolution adopted by the board of police on the 1st day of September, 1891, with reference to this.

Q. And it is this resolution to which you had reference in your conversation with Inspector Steers? A. Yes, sir.

(Paper marked Exhibit D of this date.)

Q. Before this resolution was adopted by your board, had you received any intimation that members of your force were receiving bribes? A. Well, I had received some vague information on that subject; I won't say that it was specific in any way.

Q. I understood you to say yesterday that was the first intimation you had of it? A. I should think it was about that time.

Q. From whom did your information come? A. I don't recollect who it came from.

Q. Was it from more than one person? A. I think it was; yes, sir.

Q. And as I understood you yesterday, you took no steps to ascertain the truth of it? A. No, sir; no special steps; I talked with the superintendent, as I said yesterday; I think it was Superintendent Murray; I am not sure; I have talked with both superintendents.

Q. But in this resolution you state that you utterly condemn the force soliciting or receiving bribes of any kind or character, for any purpose whatever? A. Yes, sir.

Q. That was on the 1st day of September, 1891? A. Yes, sir.

Q. Why did you condemn the soliciting or receiving of bribes by the force? A. Well, there were rumors of that kind had reached me, and had reached some of the other commissioners.

Q. Why did you condemn the force; did you believe they were receiving bribes? A. I had some reason to think that some members of the force were receiving bribes, individual members of the force.

Q. You did think the force, or some of them, should be put under condemnation? A. Yes, sir; if it were true.

Q. What was the evidence that induced you to believe that some were receiving bribes? A. There was no specific evidence.

Q. What unspecific evidence was there? A. There were some rumors and stories that I had heard that some officers, individual officers, as I said before, that were around in citizen's clothes, that they were receiving money from the saloon keepers.

Q. What was the evidence that you had that they were taking money? A. I had no evidence.

Q. Why did you condemn them, then? A. I condemned the practice, if it existed.

Q. You do say "if it exists" in your resolution? A. I know that.

Q. You said a moment ago, that at the time that resolution was adopted, you did believe that some members of the force were accepting bribes? A. Yes, sir; I did.

Q. Upon what evidence did you believe it? A. I had no evidence; no legal evidence.

Q. You believed that some of the members of your force were guilty of this offense? A. Yes, sir.

Q. And you believed it without evidence? A. Yes, sir.

Q. Was that because of the character of the men? A. No, sir; it was from the opportunities they had.

Q. Do you wish the committee to understand that the mere furnishing of opportunities to policemen to receive bribes is sufficient evidence in your mind to convict them for having received bribes? A. Not as a whole.

Q. What was the difference between those particular men and others that made you condemn them? A. Some men are worse than others.

Q. Who were those men that you thought had been taking bribes? A. The men I had information of.

Q. Who were they? A. I had no specific names, and no names were mentioned.

Q. Then, do you tell the committee that without having a single man of your 4,000 men pointed out to you, and by mere rumor that bribes were being taken, you actually believed that some members of the force were accepting bribes? A. Yes, sir; I say that to the committee.

Q. Didn't you deem it your duty to attempt to single out those men and remove them from the force? A. I had no evidence that would enable me to do it; if I had, I would have very gladly singled them out.

Q. Did you not deem it your duty to get evidence? A. I had no means of getting the evidence.

Q. Are not the powers of the police commissioners extraordinary? A. Yes, sir.

Q. Are you not in supreme command of the entire force? A. Yes, sir.

Q. Have you not required the superintendent to prefer charges against men? A. Yes, sir.

Q. And try those charges? A. Yes, sir.

Q. Isn't it within your power to command the force of detectives to ferret out crime? A. Yes, sir.

Q. Is there any more dangerous a crime to this community than the crime of policemen accepting bribes for failure to discharge their duty? A. I don't think there is.

Q. Is there any greater duty incumbent upon you, if you believe that one or more of the members of your force have been guilty of that crime, than to seek, by every means within your power, to ferret out the individual who commits that crime? A. There is no greater duty.

- Q. But you did nothing? A. I was unable to get evidence.
- Q. How did you try to get it? A. I inquired about it.
- Q. Of whom? A. Various people.
- Q. Of whom? A. I don't recollect; it is a long time ago; there was never any information, no evidence submitted to the police board on the subject.
- Q. Did you ever send for a detective on this subject? A. No, sir.
- Q. Did you ever communicate your suspicions to the superintendent? A. Yes, sir.
- Q. Did you point out to him upon whom your suspicions rested? A. I told him I had no information as to any particular member of the force, any individual.
- Q. While this information was fresh in your mind, did you give to the detective force, or superintendent, all the information you possessed? A. I talked with the superintendent and gave him all the information I had.
- Q. You told him who the people were who informed you of that? A. I don't think I did.
- Q. Why not? A. I don't think I knew who they were at that time; it was very vague and indefinite.
- Q. And yet so vague and indefinite that you believed it? A. Still, I was convinced that something of that kind was going on, and I was trying to correct it as best I could.
- Q. Did you talk with any of your fellow commissioners on that subject? A. Yes, sir; I did.
- Q. When and where? A. Previous to the adoption of this resolution.
- Q. Was it brought up in open meeting of the board? A. I think it was brought up in open meeting of the board.
- Q. Was any other formal action taken by your board, except the adoption of this resolution? A. No, sir; that resolution was drawn, prepared and offered by Commissioner Voorhis, who was at that time in the board; I had talked with him about it; the original resolution is in his handwriting now.
- Q. Did you talk with any of the police justices as to evidence of bribery in connection with these excise cases? A. No, sir.
- Q. Not any of them? A. No, sir; I had some talk in a general way with police justices at that time, to the effect that in cases where arrests were made and complaints for violation of the Excise Law, that in a great many of these cases, the testimony was very weak as to violations.
- Q. That is to the violation of the Excise Law? A. Yes, sir; and that in consequence of the testimony they were compelled to discharge in those cases.

Q. What had that to do with the bribery by policemen? A. Nothing specially.

Q. I asked you if you talked with those police justices in regard to evidence of bribery by policemen? A. No, sir; they had no knowledge or information about it, as far as I know.

Q. Did you talk to them to find out? A. No, sir; I don't think I did.

Q. Where was Commissioner McLain at the time this resolution was passed? A. He was in Europe.

Q. Do you remember the day of the week on which the 1st day of September fell; was it your regular Tuesday meeting? A. I think it was the regular meeting of the board.

Q. Your meetings are held every week? A. I think in the summer time — the usual meetings during the year are on Tuesday and Friday; I think in the summer we postponed the meetings until Wednesday, as matter of convenience to some of the members, during July and August and possibly September.

Q. Mr. McLain was expected home Saturday of that week? A. I think he did not attend a meeting of the board from the 31st of July to the 18th of September.

Q. Was he expected home from Europe on the Saturday of that week? A. Not that I know of.

Q. Did you hold a special meeting that week, after adopting this resolution? A. I don't recollect; I don't think we did.

Q. And approved the minutes of this meeting, including the passage of this resolution? A. I don't recollect it.

Q. And before Mr. McLain got home? A. I don't remember anything of the kind.

Q. Will you kindly look that up, so you can answer it next week? A. Yes, sir; I shall be very glad to.

Q. You have told us of two instances, and two only, in which you actively interposed with regard to the conduct of the police, one was when you sent for Inspector Steers, and notified him or called his attention to the passage of this resolution we have just been talking about? A. Yes.

Q. The other was, when, on the Sunday before the election of 1892, you visited the office of the superintendent and took part in the instructions that were given to the police? A. Yes, sir.

Q. Have there been any other instances since you have been a member of the board of police commissioners, wherein you have personally attempted to influence the action of the superintendent? A. No, sir; had no intention of interfering with them, at that time.

Q. You have told us of one charge in the newspapers, which resulted in the investigation by your board, that is the charge

in the New York Herald with regard to the policy shops existing within a stone's throw of police headquarters? A. There were no complaints, and there have been no complaints made as yet as to these places; the complaint that was made was in reference to policy shops existing in the twenty-eighth police precinct, which was in the upper portion of the city.

Q. But that same article referred to policy shops within a stone's throw of police headquarters? A. Yes, sir; referred to both.

Q. And gave cuts of the place? A. Yes, sir.

Q. Was there any other newspaper article which resulted in any charge being preferred by you against any officer? A. I think many complaints against officers grew out of the articles in the newspapers.

Q. Can you mention any at this time? A. I can not, but I have no doubt we have discovered a great many.

Q. Have any of the charges within the last six months published in the newspapers, resulted in any charges being preferred against these officers? A. What charges do you refer to?

Q. The last six months, charges in the World, for instance? A. I think there have been complaints made against police officers by newspaper articles within the last six months; I can't say what they were.

Q. Can you tell why those were selected, and others left out? A. No, sir; these charges came from the superintendent's office.

Q. Have you preferred charges? A. No, sir.

Q. Against any officer? A. No, sir.

Q. Have you required the superintendent to prefer charges against any officer? A. No, sir.

Q. Have the board required the superintendent to prefer charges? A. I don't think the board has required them; the superintendent is very vigilant as to those matters.

Q. You know Captain Haughey? A. Yes, sir.

Q. Who preferred charges against him? A. The superintendent of police.

Q. By whose order? A. Order of the board of police.

Q. You have just told the committee that the board had not told the superintendent to prefer charges against anybody charged? A. Growing out of the newspaper statements, as I understand it.

Q. Have the board required the superintendent to prefer charges against anybody else except Captain Haughey? A. I think so.

Q. Since when? A. I can not fix the time.

Q. Was it a year ago? A. Since I have been in the board; I can not say anything very definite about it; I think more than a year ago.

Q. Is there more than one instance aside from Captain Haughey in which the police commissioners have compelled the superintendent to prefer charges against an officer? A. I should think a number of these cases came to the board of police, complaints coming to them in the first instance, to the board of police in the first instance, many come to the superintendent in the first instance, and come to our board and are usually referred to the superintendent for investigation; sometimes they come back with the report of the facts; the board of police directs charges to be preferred against the officer, and referred back to the superintendent, to prefer charges in those cases.

Q. How many cases of that kind are there? A. No doubt quite a number.

Q. That happened a good many years ago? A. All the time, more or less.

Q. Where you require the superintendent to prefer charges? A. Yes, sir.

Q. Was there more—I understood you to say that except in the case of Captain Haughey, that you know of, there were none you could remember, except those of ancient date? A. That is the important case I refer to now; the Haughey case; the other cases are not so important, and might be regarded as merely small breaches of rules.

Q. Have you directed the superintendent to prefer charges against Captain O'Connor? A. Not as yet; the matter has not come up before the board.

Q. Have you directed any steps to be taken in that matter? A. The board would have had a meeting yesterday, except for this investigation, and we have not had a meeting since.

Q. There are three other members of the board, except yourself? A. Yes, sir.

Q. Can not they meet in your absence? A. One was here yesterday; I suppose that prevented a quorum; I inquired if they made any effort to have a meeting and I was told no.

Q. You do state it to be within your power and scope of your duties to direct that charges shall be preferred against officers? A. Yes, sir.

Q. Isn't it also within your power to command that investigations shall be made? A. Yes, sir.

Q. In what you shall believe to be violations of the law? A. Yes, sir.

Q. Even if you had no evidence of it? A. Yes, sir.

Q. You have condemned the police for taking bribes? A. Yes, sir.

Q. Why have you not appointed someone to investigate those facts? A. We thought that was all that was necessary to be done.

Q. Mere condemnation? A. And any persons who had information to bring the matter to us, contained in the same resolution.

Q. Do you say to this committee that you believe the passage of that resolution will stop policemen from taking bribes? A. I do think it would have some effect.

Q. Do you want the committee to understand you that the mere passage of the resolution condemning the acceptance of bribes by policemen would be sufficient to put a stop to that practice? A. Not entirely; to some extent.

Q. That is, if anybody would volunteer to appear against them, you would listen to them? A. No way to compel them.

Q. Is there no way for you to compel investigation? A. We can direct an investigation.

Q. Why didn't you? A. We did not think it necessary.

Q. The reason you assigned for lack of necessity is that you believed the passage of this resolution would put a stop to it? A. I believed it would have some good effect; if I did not believe so, I would not have voted for it.

Q. Do you wish to withdraw the statement that you thought the passage of that resolution would stop the practice? A. I thought it would.

Q. Did you believe it would? A. I thought it would, to a great extent.

Q. You are not withdrawing from that statement? A. No, sir.

Q. When these charges came up two years later, that policemen were accepting bribes, when the World published them, column after column, and pointed out places which it claimed were being protected by the police, did it occur to you that your resolution was not efficacious? A. No, sir; it did not; I did not believe the statements of the World.

Q. Did you believe the stories? A. No, sir.

Q. You did not read them, did you? A. To a certain extent I did; my attention was called to them occasionally.

Q. What portion of them did you read? A. Can't say as to that; I saw more or less of them.

Q. You had no belief as to those you did not read? A. No, sir; I refer to attacks generally.

Q. You can not refer to those that you did not see? A. No, sir.

Q. Nor did not read ? A. No, sir.

Q. Nor to those which you were not sure about ? A. No sir.

Q. Those you did see and read you believed to be false ? A. Yes, sir.

Q. Were not printed charges published in newspapers, scattered broadcast over the city, a little more definite accusations than the vague rumors you heard before the passage of the resolution in 1891 ? A. Before the passage of the resolutions ?

Q. Before you adopted your resolution in 1891, you condemned the police on vague rumors; you believed they were guilty from mere suspicion that came to you; now, two years later were not those publications in the newspapers much more specific, definite and sharply defined evidences of guilt than the mere rumors on which you acted in 1891 ? A. I don't think so; no, sir.

Q. You did not consider it your duty to take any steps whatsoever to discover the truth or falsity of the charges published from day to day in the public press ? A. No, sir.

Q. Whether those charges reflected upon you, or your inspectors, or your captains, or roundsmen, or patrolmen ? A. This committee was appointed to investigate the matter.

Q. I ask you about your duties ? A. We expected to be heard.

Q. The committee was not appointed until after the 1st day of January ? A. No, sir; it was appointed some day in January.

Q. The Legislature did not meet until the 1st day of January, and these charges came along in the summer and fall, didn't they ? A. No, sir.

Q. Haven't I read you the November and December issues in the World ? A. I think you read in December, but none in November, that I recollect.

Q. That was before the committee was appointed, wasn't it ? A. Yes; and I said I did not believe the World's story.

Q. Now, the question I ask you is whether you deemed it or did not deem it your duty to make any investigation or any of these charges against any members of the force, including yourself ? A. No, sir; I did not.

Mr. Sutherland.—That is all for to-day, Mr. Martin.

Cross-examination by Mr. Nicoll:

Q. Did you hold any other office or public position except police commissioner ? A. No, sir; I did not.

Q. And do you devote a large part of your time to the performance of your official duties ? A. I do.

Q. What, as a rule, are your hours for attending to the transaction of the public business in your department ? A. Well,

usually from half-past 10 in the morning until 5 o'clock in the afternoon.

Q. And during those hours what are the—speaking in a general way—the duties which you are discharging as police commissioner, and as president of the board; give us, in other words, briefly, an account of your official duty? A. Well, as president of the board, a great many official communications are received by me from the various departments of the city government, and from citizens generally, in reference to the force, and the affairs of the department.

Q. What are the general nature of such communications? A. Well, they are from—the mayor refers a great many communications to the board of police, that are received by him as mayor, and citizens generally, not only in New York, but throughout the country—a great many of those communications; and then we have communications between the comptroller and the department in reference to its fiscal affairs—the appropriations; we have communications from the board of estimate and apportionment transmitted to us quite frequently; various communications come to me from citizens of the city in reference to the affairs of the department; and communications from the various departments of the city.

Q. From the various departments attached to the police department? A. Yes, sir.

Q. And do you have complaints against officials of the force, and trials? A. The complaints against the members of the force are made; they reach me almost every day, and are examined by me, and usually approved, very rarely disapproved; I do not suppose there is one in a hundred that is disapproved; and trials occur every Wednesday of each week, presided over by one of the four commissioners.

Q. In turns? A. In turns.

By Senator Bradley:

Q. What do you mean by approved? A. Approved as to form; I order the trial; it is transmitted to me for approval, and if the form of complaint—the evidence is not submitted—the names of the witnesses are there—and if the form of the complaint is correct, as it usually is, it is returned to the complaint clerk, and notices are sent to the parties complained of, and they are summoned for trial at the next meeting of the board; officers are usually tried within a week after the complaints are made.

By Mr. Nicoll:

Q. Have you stated in a general way—given in a general way—the outline of your official duties each day? A. Those duties are

repeated each day of the week, and on the meeting day, a meeting of the board occurs, and I preside over the meeting as president of the board.

Q. At that time is taken up all questions of appointment and promotion? A. The meetings of the board occur twice a week, on Tuesdays and Fridays, and at other times when important matters require action.

Q. Now, during election time, or prior to election time, you have other duties to perform, haven't you? A. In connection with the election there is a very large amount of business devolved on the board of police in reference to the affairs of the election—the ordering and printing of the ballots, and the distribution of the same—all of that work in the county here is devolved upon the board of police.

Q. The appointment of the election officers? A. The appointment of the election officers; the designation of the places of registration and election; the appointment of election officers covers inspectors, poll clerks and ballot clerks.

Q. You are familiar, are you not, with the provisions of the Consolidation Act relating to the police department, in a general way? A. Pretty generally familiar with it; yes, sir.

Q. During Mr. Sutherland's examination of you, he seemed to imply that it was your duty, or that the duty was imposed upon you by law to close gambling-houses, or houses of prostitution; do you understand that that duty is directly imposed upon you or upon the force? A. I understand that the statute imposes it upon the police force.

Q. The duty is imposed upon the police force? A. Yes, sir.

Q. And generally speaking, the duties of the commissioners are the duties of administration, government and discipline, are they not? A. Of the government and discipline of the force, I think, is the language of the statute.

Q. Whereas, the specific duties imposed upon the uniformed force is to preserve the peace, to prevent crime, take and arrest offenders, to suppress dangerous assembly, to carefully inspect places of public amusement, places of business of excise or other licensed houses of ill-fame, or prostitution, lottery offices, policy shops, and so on, under subdivision 282? A. Section 282.

Senator Cantor.—Of the Consolidation Act?

Mr. Nicoll.—Of the Consolidation Act.

Q. So that the law, while it imposes a general duty of government, or administration, or discipline, upon you, imposes the specific duty of executing the powers I have mentioned upon the police force; that is as you understand it? A. That is as I understand it; yes, sir.

Q Now, some suggestion was made by Mr. Sutherland, in the course of his examination, that you found some difficulty in discharging your duties as police commissioner, because of the fact that you were a district leader of Tammany Hall; have any such embarrassments arisen in the discharge of your duty? **A.** No, sir; they have not.

Q. Take, for instance, the acts of the police officer whom you recommended, after he had passed the civil service examination, for appointment, at the request of someone in your district, and assumed that thereafter that police officer committed some violation of duty or breach of discipline—have you any such case? **A.** Yes, sir; quite frequently.

Q. Have you felt under any restraint because of the fact that you suggested the appointment at the instance of someone in the district, in disciplining him? **A.** Not the slightest; no, sir; I did not.

Q. Not the slightest; there was no direct or implied sense, directly or indirectly, any obligation on your part to refrain from administering to him proper discipline in case he violated the law, was there? **A.** No, sir.

Q. No such a thing was expected, was it, or promised? **A.** It might be expected, but certainly was not promised.

Q. And was not, as a matter of fact, received? **A.** And was not received.

By Senator Saxton:

Q. You think you would be entirely unbiased in a case of that kind? **A.** I think I could try a case fairly and without any bias in the matter.

Q. And without any prejudices? **A.** Yes; I think I could; in fact, I want to say on that, I have made probably over 300 appointments, and would not recollect but very view of them, unless my attention was specially called to them.

By Mr. Nicoll:

Q. And, as a matter of fact, have you disciplined persons whom you have recommended for appointment, at the suggestion of different individuals—different citizens? **A.** I have.

Q. Have you found any difficulty or hesitation in administering to them whatever discipline they deserved in consequence of that fact? **A.** I did not.

Q. Now, since you have been a member of the board of police commissioners, as I understand it, within the last two years, the board has been made up of four persons, has it not? **A.**

There have been four commissioners in the board since I have been there.

Q. And those commissioners are of one political creed or party? A. No, sir; they are not.

Q. Is it not a matter of fact, that since you have been in the board, there have been only two commissioners attached to the Tammany Hall organization? A. Only two commissioners; yes, sir.

Q. And of the other two commissioners, one has been a Republican in politics, and the other an independent or unattached Democrat? A. Yes, sir.

Q. Now, probably, unintentionally, counsel for the committee, in the course of his examination, conveyed the impression that you and Mr. Sheehan controlled all the appointments to the force, is that a fact? A. Mr. Sheehan and myself recommended one-half of the appointments of the force, as vacancies occurred.

Q. And the other half were recommended —? A. By the other two gentlemen.

Q. By the other two commissioners? A. Yes, sir.

Q. Commissioner McClave, representing the Republican organization, had his share of recommendations, had he? A. An equal number with myself.

Q. And Commissioner McLain, representing citizens generally, had his share of it? A. Yes, sir; that is right.

Q. Now, I understand you to say that of all the appointments recommended by you to the board since you have been there numbered about 300, did they not? A. I think about that.

Q. Were there as many appointments, after all, as that; haven't you included in that list promotions? A. I should think there were about something in the neighborhood of 300 appointments and promotions.

Q. Appointments and promotions? A. Appointments and promotions; yes, sir.

Q. Then speaking of appointments only, were there over 250 appointments? A. Between 250 and 275; something of that sort.

Q. And Commissioner Sheehan has been there a much shorter time than you, has he not? A. Commissioner Sheehan has been there since March, 1892.

Q. Do you know generally, in round numbers, the number of parties recommended by him; about a hundred, or something of that sort, were there, or less? A. I should think something in the neighborhood of a hundred; I was there three years before him.

Q. Well, then, all of the appointments to the force under any possible aspect to be charged to Commissioner Sheehan, or

yourself, numbered about 350; is that so, of appointments? A. I do not think it would reach that number — about that number.

Q. That is something like — that is less than 10 per cent. of the entire police force of the city? A. The entire police force of the city is something over 3,900 at this time.

Q. Those recommended by you are less than 10 per cent. of the entire police force? A. Yes, sir; on that basis.

Q. During the same period you have been making these appointments, has the police force been recruited by the persons recommended by Commissioner McClave, from the Republican party in city? A. I don't know that.

Q. You know he has made appointments, don't you? A. He has made the same number of appointments.

Q. That you have? A. That I have.

Q. And so has Commissioner McLain? A. Yes, sir.

Q. Can a police officer be appointed to the force on the recommendation of a commissioner without anything else? A. Directly?

Q. Yes? A. No, sir; he can not.

Q. Before any citizen can be appointed to the police force in the city of New York, what must he do? A. He must make application either to the civil service board at Cooper Union, or to any one of the four police commissioners, for appointment; he must make his application on a blank provided for that purpose, at either of those places.

Q. Please go on and tell us the method employed by you in dealing with an applicant for the force? A. Well, an applicant comes to me, and I examine him, as to his place of birth, if foreign born, how long he has been in the United States, how long naturalized, how long in the city of New York, his age, occupation generally, as to what occupation he has been engaged in, as to his education, requiring that he shall have a fair education.

Q. Do you take into consideration his physical condition? A. And as to his character; of course, his physical condition; he stands in front of me during his examination and I make up my mind whether or not he is fitted for the police force.

Q. From that superficial examination? A. Yes, sir; and from the appearance he makes in answering my question.

Q. Having made up your mind that he is presumably fitted, what do you do then? A. I authorize my clerk to permit him to file an application paper.

Q. He makes out an application paper to the board, asking for an appointment, does he? A. Yes, sir.

Q. And that having been made out, what does he do then? A. Following the making out of that paper, he is notified to

appear within a short time, say a week or 10 days, before the board of police surgeons, for examination as to his physique, and if he passes a satisfactory examination, he is required to fill out other papers in connection with his record; he is required to have the names of a certain number of citizens, usually five, to vouch for him as to his character—their acquaintance with him; and all those papers having been finally completed, the papers are sent to the civil service board, where examinations are held from time to time of batches of such applicants.

Q. Is not some application made to the captains of the precinct for the purpose of examining into his residence and record?

A. Yes, sir; and application is made to the captain for examination of his character and as to the persons who signed the paper, and a report is made in writing by the captain.

Q. Made in writing to whom? A. Made in writing to the board of police.

Q. I understand the applicant has got, in this way, before the civil service board; who do they consist of? A. There are three civil service commissioners appointed by the mayor; I do not recollect the names just at this time.

Q. Do they subject him to an examination for the purpose of ascertaining his mental equipment? A. Once a year the civil service board made an examination of all applicants for patrolmen, and they usually examine in batches of from 400 to 600.

Q. Examine in batches of that number on questions prepared by the—? A. They are examined in a sort of general gymnasium they have there, as to their physique; and also they are examined mentally on questions prepared by the examiners; the board of police has nothing whatever to do with these examinations.

Q. Nothing to do with that? A. Nothing to do with that.

Q. If the policeman fails to pass the examination, what of it? A. We never hear of it, if he fails to pass.

Q. He might be recommended in the very strongest terms, but if he failed to pass that examination, his candidacy would come to an end, wouldn't it? A. His candidacy would come to an end; in fact, we very seldom hear of any of those who do pass.

Q. You say the great majority of those who fail to pass? A. I say a great majority of those who do pass fail to come to the place,—about 70 per cent.

Q. Now, having passed the examination, and having acquired, in the course of his examination, a certain percentage, what becomes of the name of the candidate? A. From time to time, as vacancies occur in the number of police, requests are made on the civil service board for what we call an eligible list of persons to fill the vacancies.

Q. You are empowered to appoint how many, during the course of the year; how many patrolmen? **A.** The force has usually been increased a hundred each year, and I should think the same number of vacancies occur for various causes, such as deaths, resignations and retirement.

Q. So there is generally about 200 in the course of the year the board will be called upon to appoint? **A.** I should think that would be a fair number; it might run a little over that.

Q. Having ascertained the number of vacancies, the board calls upon the civil service examiners or civil service commissioners, for their list? **A.** From time to time; not at one time; several times during the year.

Q. What list does the civil service commissioners furnish? **A.** The civil service commissioners send us one and a half name for each vacancy that exists at the time of our call.

Q. If you had 10 vacancies to fill, they would send 15 names? **A.** Exactly, that is it; 150 for 100 vacancies.

Q. If you had 20 vacancies to fill, they would send you 30 names? **A.** Yes, sir; from the top of the list, the ones that had the highest percentage.

Q. Well, then, what happens? **A.** That list is sent to the board, and from time to time the commissioners recommend persons on that list for appointment to the board.

Q. Now, you are obliged to take any one you recommend from that list? **A.** We are obliged to take persons from the list, to fill these vacancies.

Q. But within the limits of the list, you are privileged to recommend in accordance with what you think the best interest of the force requires? **A.** We have a right to recommend any person on that list.

Q. And do you receive indorsements and recommendations concerning these different candidates from citizens generally? **A.** Yes, sir.

Q. And from officials? **A.** Yes, sir.

Q. And from judges? **A.** Yes, sir.

Q. And from politicians? **A.** From all classes of people.

Q. From all classes of people? **A.** Yes, sir.

Q. And in that way you make up your mind which one of the eligible list you will recommend to fill a specific vacancy? **A.** Yes, sir.

Q. And is that practice, which I have described in some detail with you, a practice adopted by your fellow commissioners? **A.** I think it is.

Q. The same thing; now, when it comes to making promotions, you are governed by a statute, are you not? **A.** Yes.

Q. You recollect what the statute is, on the subject of promotion? **A.** I recollect it in a general way; it requires that promotions should be made.

Mr. Sutherland.— Wait; let Mr. Nicoll read it to you.

By Mr. Nicoll:

Q. You recollect it requires promotions of officers and members shall be made by the board on grounds of meritorious police service and superior capacity? **A.** Yes, sir.

Q. Let us take, for instance, the promotion of a sergeant, or the promotion of a captain, if the procedure is the same. **A.** The procedure is the same.

By Senator Saxton:

Q. Before you go into that, I understood Mr. Martin to say he had made a certain number of appointments, I think you said about 300 appointments or less of yours made on the force; how do you make those appointments? **A.** I recommend those appointments or promotions to the board of police.

Q. Out of these lists that come to the board? **A.** Out of these eligible lists that come to the board.

Q. And you would recommend a certain number of appointments out of these eligible lists to the board, and they would make the appointments? **A.** The board would make those appointments.

By Chairman Lexow:

Q. Who suggests the names of those that are examined, to the examining board? **A.** For promotion, do you refer to now?

Q. For examinations? **A.** Well, as I have described as to applicants they come either direct to the civil service board, or through one of the four commissioners, and after their papers are fully completed, and examinations made as to character, the papers are turned over to the civil service board, and there examinations are made several times a year.

Q. By whom are they turned over? **A.** By the clerk of the board, when the papers are completed in our board.

Q. With the indorsement of anyone of the board? **A.** No, sir.

Q. The original application is signed by the commissioner before whom the person came? **A.** A person coming to me, if I gave him an application paper, my name is attached to it; I sign my name to it.

By Senator Saxton:

Q. But none of these applications are sent to the board of civil service examiners until the examination has been had by you, and by the police captain, in the manner you have described? **A.** No, sir; it is after that.

Q. So really the names sent to the civil service board are those that have been first passed upon by your board, and the captain of your district, where the applicant resides? **A.** Yes; that is right.

By Mr. Nicoll:

Q. I think you are a little in error there, are you not; any man desiring to be an applicant for a place on the police force may go to the civil service examination and make application?

A. Yes; I have stated that; he may go to the civil service office, or to any one of the four commissioners.

Q. For instance, 'a man wishing to belong' comes to me to assist him to be on the force, and I could send him direct to the civil service commissioners? **A.** Yes, sir.

Q. And they would be required to give him an application blank? **A.** Yes, sir; if they were satisfied with him.

Q. Or I could give him a note and state this man seems to be qualified and put him in the way of examination? **A.** Yes, sir.

By Senator Saxton:

Q. Would he be appointed in any event, until the examination had been made by you gentlemen, and by the captain of the precinct? **A.** He could not be appointed until long afterward.

Q. Would he be appointed in any event, having gone over to the board of civil service examiners, until he passed the examination you prescribe, and the examination into his antecedents?

A. The same examinations are made as applicants to the civil service board.

Q. If he makes an application to you first or last, the same examination is made by the board of police captains? **A.** The same examination is made, yes, sir, before he is appointed.

By Chairman Lexow:

Q. And does this examining board, as a fact, examine any applicants, unless they have the certificate from the police commissioners? **A.** Oh, yes, sir.

Q. Do you know of any cases? **A.** Yes; I should think half of them; I should think half of the persons examined appear

originally to the civil service board without examination by the police commissioners.

Q. Without any indorsements whatever? A. Yes, sir.

By Senator Saxton:

Q. I suppose the board of civil service examiners, when they take from the top of the list having the highest percentage they make a choice between those that have the same percentages, as to what names they must send? A. No, sir; they must send from the top of the list down for the number called.

Q. Suppose there were 40 names that had the same percentage and there were only 20 names sent in, I suppose then they could make the selection from the 40? A. They would take them in their order on the list; take them from the top of the list down — that number of names.

Q. But between the 40 having the same percentage, in the case I have mentioned, there is no choice there? A. I do not know of any such number; they usually divide up between 98 and 99, and divide it up into very fine fractions, so fine, I don't think there is much to it.

By the Chairman:

Q. And do you uniformly start from the top of the list and appoint down? A. No, sir; we do not; we take them from any portion of the list.

Q. So that your statement a moment ago that you took from the list down, has that qualification? A. I said the civil service board, in sending the eligible lists, from which we make appointments, in sending them, to us they take from the top of the list down, for the number of names our call permits them to send us.

Q. When you make the appointments you are not considered to be governed by the names as they appear, from the top down, but can take any man appearing on the list? A. We have the discretion to use our discretion in the appointment from the names on the list, and we do, in fact, do that.

Q. You do not consider yourself bound, by any percentage, so long as his name appears on the list from the examining board? A. That is a fact.

By Senator Bradley:

Q. Don't you know by the percentage; I think you don't understand the question of the chairman; supposing a man has got 85 per cent; you give him the preference over the men that has 84, don't you? A. No, sir.

Q. You don't? A. No, sir.

By Chairman Lexow:

Q. Do you mean to say that you are always governed by the highest percentage? A. No, sir; I don't; I say that the list—
Senator Cantor.—He makes no discrimination.

The Witness.—I say that we have the list before the board; I will commence at the head of the list and run down to about 87 per cent.

Senator Cantor.—That was the very object of the law.

The Witness.—Running from 95 down to 87, and we appoint any portion of the list.

By Senator Bradley:

Q. They have all to be recommended by the civil service board to you? A. Yes, sir; certainly to us.

By Mr. Nicoll:

Q. Now, I was going on to ask you to explain to the committee the method of procedure in regard to the appointment of a sergeant or captain; you said it was the same; will you please tell us that? A. The procedure in the matter of the appointment of a captain or sergeant—the promotion of these officers commences in this way: the sergeant of police, desiring a promotion to captaincy, makes application to the board of police for promotion—to be examined for promotion; the board of police refers that application and that request to the superintendent for his report as to the character and efficiency of the officer; that usually comes to us at the next meeting of the board; if the superintendent's report is favorable, the application of the officer is referred to the civil service board; the same occurs in reference to the application for promotion of a roundsman to the place of sergeant; the superintendent certifies to us his opinion as to the character and efficiency of the officer, and if favorable, it is referred to the civil service board.

Q. Now, the officer's record, is that certified to you? A. The officer's record is certified to us by the superintendent at that time.

Q. By the superintendent? A. Yes; his report covers that.

Q. And if that is passed upon favorably, then his application goes to the civil service board? A. And a copy of the officer's record is also attached to the application papers to us.

Q. Now, that is the same rule in regard to inspectors, too, is it not? A. Yes, sir.

Q. Now, if on his record—? A. There was one instance where we appointed an inspector without a civil service examina-

tion in the first instance; he was appointed subject to the civil service examination.

Q. Who was that? A. Inspector McLaughlin.

Q. And was Superintendent Byrnes appointed in the same way? A. And Superintendent Byrnes was appointed superintendent in the same way.

Q. And with these two exceptions, all the procedures are as you have stated? A. Yes, sir.

Q. Now, if on the record of these captains should appear the fact that he had been tried before the board, and convicted for a breach of discipline and violation of duty, or neglect of duty, it might work a serious disadvantage to him in his ambition to be promoted to a higher grade; would it not? A. Yes, sir; if the board is not satisfied with the officer's record.

Q. I say, the fact that he has been convicted of a breach of duty of that sort would certainly interfere seriously with his promotion? A. It would work an injury to an officer, as far as promotion is concerned.

Q. And is that why the punishment of the board, the conviction of the board, whatever the fine imposed may be, is felt a very severe punishment to the offending officer? A. It is so regarded.

Q. While it is true that you may fine him 10 days' fine, or six days' fine, he still has in his record the conviction of the board of police? A. Yes, sir.

Q. And that constantly interferes with his promotion in the service? A. Yes, sir; so even a reprimand by the board is an injury to him.

Q. Well, now, this record having been sent to the board, the board then ascertains in that way the meritorious service of the officer, does it not? A. Yes, sir.

Q. In accordance with the statutes? A. Yes, sir.

Q. It then remains to ascertain in various ways his superior capacity as mentioned in the law? A. Yes, sir.

Q. These applications are then, as I say, referred to the civil service board? A. Referred to the civil service board.

Q. And what is done there? A. And there examinations are had usually once a year, sometimes oftener, of these applications for promotion, and, as vacancies occur from time to time, the board of police makes the same requisition on the civil service board for an eligible list to fill such vacancies, and those lists are sent to us; three names for each vacancy that may exist.

Q. That is, if it is a case of a captain, there are three names sent you? A. Three names for each vacancy; yes, sir.

Q. And in case of a sergeant, three names for each vacancy?
A. Yes, sir.

Q. And in the same way for any other officer sought to be promoted? A. Yes, sir; above the grades of roundsmen.

Q. From these three names do you select the captain to be appointed—does the board select him? A. If there are but three names before the board, and there is but one vacancy existing, the board selects from these three names.

Q. Those three names approved by the civil service examiners indicate that all of the applicants are equal capacity, do they?
A. Yes, sir.

Q. That is, they have passed the examination for sergeant, or captain, whatever it is? A. Yes, sir.

Q. And the board selects upon the recommendation of some one of its members one of those three names? A. Yes, sir; the person recommended being brought before the board, and examined in the presence of the board.

Q. And is that the way that Captain Devery and Dougherty and Gallagher and Inspector McAvoy were appointed? A. That is the way they were appointed.

Q. Now, as I understand you to say, their candidacy was supported by friends of theirs in Tammany Hall, wasn't it? A. Yes, sir.

Q. Who recommended these officers to you and pointed out their capacity for the higher position on the police force? A. Such recommendations were made after the eligible list was before the board.

Q. And after their qualifications in accordance with the statute had been determined in the way which you have described? A. Yes, sir.

Q. Something was said to you in the course of your examination by Mr. Sutherland about the different fines imposed by the board in different years, and the apparently large discrepancy between certain years was noted; have you any explanation to offer for that? A. Yes, sir; I think I have.

Q. What is it? A. The falling off in the fines occurred in the year 1892.

Q. Yes? A. I think there was a falling off of about \$5,000 in the amount collected from the fines in 1892.

Q. Have you the list of the figures?

Mr. Sutherland.—Eighteen thousand in 1891 to \$11,000 in 1892.

The Witness.—Yes. (Witness examines list.) In 1891 the amount from fines was \$18,330.61, and in 1892, \$11,033.65.

Q. Can you go further and give the fines of 1893? A. In 1893, \$15,664.65, and in 1894, for three months, \$4,209.69; now, the

reason for the falling off in 1892 is this: that in consequence of the efficiency and good conduct of the officers of the police force in this city during the Columbian celebrations in that year, Superintendent Byrnes recommended after the celebrations were over, recommended to the board, that all fines and punishments should be dismissed or should be set aside, and such action was taken by the board.

Q. That accounts for the difference between fines in 1891 and 1892? A. I should think it would certainly account for \$5,000; I have the fines from two years before 1891 here.

Q. Put them on record? A. The amount of fines in 1889 was \$10,861.77; the fines in 1890 was \$16,448.48; and I think I could give some reason for that increase.

Q. What was the reason for the increase? A. The board of police, in December, 1889, remanded 30 roundsmen to patrol service, on account of the report made by the superintendent as to their inefficiency; the result of the action was that the roundsmen in the following year, and since that time, have been more efficient.

Q. And therefore there has been less fines? A. And therefore there has been increased fines, except for the reason stated in 1892.

By Senator Saxton:

Q. That is, the vigilance of the roundsmen increased the amount of fines, because of discovery? A. Yes; they make more complaints against the patrolmen.

By Mr. Nicoll:

Q. Now, Mr. Martin, your attention has been called by Mr. Sutherland to the resolution prepared by Police Commissioner Voorhis in the year 1891, in reference to the complaint made by the Citizens' League; do you mean to say anything more in reference to your belief, as to the members of the force soliciting and receiving bribes in the language of the resolution, that you entertained the belief that that might be possible in regard to some few members of the force? A. I believe it was possible so far as members of the force going out in these citizen's clothes or plain clothes.

Q. That would be a very few members of the force, wouldn't it? A. Yes, sir; a very few members of the force.

Q. Do you wish to convey by your testimony the impression to this committee that it is your belief, as the president of the

board of police, that the police force generally were men of the character that would be likely to receive bribes? A. No, sir; I did not mean to say so.

Q. Do you mean to say anything of that sort? A. No, sir.

Q. And do you intend to limit your testimony to the expression of the belief that some few members might, taking advantage of the absence of the uniform, yield to a temptation of that sort? A. Yes, sir; I mean some few members of the force might do that.

By Chairman Lexow:

Q. Were those officers who were detailed in citizen's clothes not men so chosen especially because of their efficiency? A. Well, I can not answer as to that; I remember they were selected on account of their efficiency by the captains in their precinct.

Q. And for their peculiar efficiency on the force? A. I presume so.

By Senator Cantor:

Q. They were selected by the captains, were they not? A. They were selected by the captains.

By Chairman Lexow:

Q. You believe those men were open to bribes? A. I believe some of them were acting in that way; yes, sir.

By Mr. Nicoll:

Q. And your belief was based not upon any direct evidence, or even indirect evidence, but, as it is said, upon rumors more or less vague, which would come to your ears? A. Yes, sir; they were more or less vague.

Q. Was this resolution passed by your board for the purpose of discouraging and suppressing any such practice, if it existed? A. Yes, sir.

Q. Now, I notice at the conclusion of your resolution, you made this declaration: "Any and all persons having knowledge of the commission of acts of the foregoing character are requested to make the same known to the board of police, in order that they may be properly investigated, and such further action had in the case as the facts established may require?" A. Yes, sir.

Q. Well, now, in pursuance to that public request and invitation, did any persons pretending to have knowledge of the commission of acts of that character, make the same known to the board of police? A. No, sir; they did not.

Q. You gave no circulation to it? A. No, sir.

Q. Was any complaint in response to this call made by any one to your board in reference to any misconduct on the part of any police officer in citizen's clothes or otherwise? A. No, sir; they were not.

By Chairman Lexow:

Q. Was that published, Mr. Martin? A. Yes, I think it was pretty fully published in the press at that time.

Q. Have you caused it to be published as an advertisement or notice in any of the papers? A. No, sir; we did not.

Q. What circulation did you give it? A. We had no authority to do that.

Q. Not other than the newspapers publishing it? A. They published as news, yes, sir.

By Senator Bradley:

Q. Was it an order to be read in the station-houses? A. Yes, sir; it was transmitted to the superintendent, and no doubt transmitted to the various station-houses and read to the force.

By Mr. Nicoll:

Q. Was it not, as a matter of fact, very fully published in the different journals of this city? A. I think it was; that is my recollection of it; that is attracted considerable notice.

Q. And was discussed and written about? A. Yes, sir; I think the Tribune, at that time, had an article in favor of it.

Q. In favor of it? A. Yes, sir; in favor of the action of the board; that is my recollection.

Q. That is, discouraging the practice of allowing the force to act as spies? A. Yes, sir; the resolution reads, that the board condemns that as a general practice; the board had no intention of condemning the sending out of policemen in citizen's clothes on special occasions.

Q. And that has been done? A. Yes, that has been done, certainly.

Q. Now, something was said to you, in the course of your direct examination by Mr. Sutherland, in reference to political or social clubs; you do not apprehend there is any objection to any police officer belonging to any social club, do you? A. No, sir, I do not.

Q. He may join any social club in this city? A. Yes, I think he would have a right to do it.

Q. And there are in this city numerous clubs that may be called political-social clubs, are they not? A. Yes, sir.

Q. For instance, there is the Manhattan Club, which is a Democratic social club? **A.** Yes, sir.

Q. With a good sprinkling of Republicans? **A.** A very fair sprinkling of Republicans.

Q. And there is the Union League Club, with no Democrats? **A.** A few mugwumps, I think.

Q. Now this club, the Tomahawk, in your district? **A.** Twenty-first district — yes, it is located there.

Q. Now, what is that club? **A.** I suppose it is a club of that character; I don't know anything about it; I have never been there.

Q. The Tomahawk? **A.** No, sir; I have never been to the clubhouse; I never had anything to do with the club, in starting it, or since it was started.

Q. It is a social club, is it not? **A.** I think it is; I so understand it.

Q. If you, as leader of that district, have never been even to the clubhouse, and had nothing to do with inaugurating the club, it scarcely had a political inception? **A.** Well, I think there are many friends of mine and friends of the Democratic party that are connected with that club; I have so heard.

Q. Now, all you meant to discourage on the part of the police force was joining out-and-out political clubs; that was all you proposed, wasn't it? **A.** No, sir.

Q. Do you conceive you have any right to deprive a police officer of the privilege of joining any social club? **A.** No, sir; I don't think we have a right.

Q. What? **A.** I don't think we have any right to do it.

Q. Unless, as you said in your testimony, he uses it to excess and it interferes with the discharge of his duty? **A.** Yes, sir; and also where the police officers were joining a number of clubs with the view of getting political support for promotions, and so on.

Q. You thought the practice of joining a number of clubs for the purpose of making the acquaintance of politicians or persons in authority was a reprehensible practice on the part of the police? **A.** I thought it should be discouraged; yes, sir.

Q. It tended to demoralize the service? **A.** Yes, sir.

Q. And was all you stated to leaders, generally, of Tammany Hall or to your brother commissioners in that line, done for the purpose of discouraging that practice and ameliorating the service? **A.** That was my motive.

Proceedings of the eleventh meeting of the committee in the city of New York, Friday, April 13, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Jacob A. Cantor, George W. Robertson and Cuthbert F. Pound, of the committee; William A. Sutherland and Henry Grasse, of counsel for committee; John W. Goff, counsel for the committee; Delancey Nicoll, counsel for the police board.

The Chairman.—The committee will please come to order, Mr. Sutherland, Mr. Goff is here. A witness has been subpoenaed at the instance of Mr. Goff, and the committee has been requested to suspend the pending examination for some little time for the purpose of getting an opportunity to examine a witness. Have you any objections to it?

Mr. Sutherland.—I have no objection to anything the committee desires to do.

Chairman Lexow.—Mr. Goff, I have received the following communication. Will you look at it, please.

(The following is the communication:)

“Police Department of the City of New York.

“Precinct No. 20,

“New York, April 13, 1894.

“To the Senatorial Investigation Com.:

“Gentlemen.—Captain James N. Price, of the twentieth precinct, has been on the sick-list since March 8th, suffering from influenza and bronchitis. This has induced such a condition of general nervous exhaustion that I have directed him to apply for a leave of absence long enough to permit of his taking a sea voyage. As he is certainly unfitted to attend to his official duties, he is likewise incapacitated for appearing before your committee in his present physical condition.

“Respectfully submitted,

“DAN. H. SMITH, Surgeon of Police.”

Mr. Goff.—Before I look at the communication, Mr. Chairman and gentlemen, I would like that Captain Price be called.

Chairman Lexow.—Will the sergeant-at-arms call Captain Price—James K. Price.

(Captain James K. Price was called by the sergeant, but did not respond.)

Mr. Goff.—Mr. Chairman and Gentlemen of the Committee.—From the fact that Captain Price has recently made arrangements for a trip to Europe, to commence to-morrow morning at

5 o'clock, or 5:30, by the steamship Umbria, from information in our possession, we deem it essential that Captain Price should be called before this committee previous to his departure for Europe, not for the purpose of a general examination of matters, but for a brief examination upon a few specific points; and being unaware how long the vacation might be, to what extent it might reach, we thought it proper to have him here. We have used every effort in our power to have him subpoenaed. I telegraphed to his house personally. We have not received any answer, and have been unable to serve a subpoena upon him, and it appears from this statement here, that he is suffering from influenza, which your honor has just handed to me, and that he is in a condition of general nervous exhaustion, and that he has been directed to apply for a leave of absence long enough for him to permit of him to take a sea voyage. As it is the intention of Captain Price to go to Italy, we are unaware how long it will take him to go to Italy and back again, we thought it proper and necessary to have the committee put to him some questions before his departure. It is unfortunate, sir, that Captain Price's physical condition is of such a nature that prevents his attendance here this morning.

Mr. Nicoll.—I think it is very unfair, Mr. Chairman,—

Mr. Goff.—Pardon me, one moment.

Chairman Lexow.—Anything further, Mr. Goff?

Mr. Nicoll.—I was going to say, I think it is very unfair that counsel should endeavor to put one of my clients in the attitude of endeavoring to escape examination before this committee. I believe I did state, in the presence of this committee, and its counsel, at the outset of this investigation, that whenever any person connected with the police department, whom I represented, was wanted, he should be on hand; and Mr. Sutherland will bear me witness to the fact that whenever he has required any facility in the department, or when he has asked the presence of any of its officials, I have procured them promptly. Now, Mr. Goff makes a sudden appearance here, not seeing him before, and without ever having made any application to me to even investigate the circumstances about Captain Price's condition. I have not the slightest doubt, if the certificate says he is in that condition, that he is so. I do not know personally; but I resent any imputation that there is any intention on his part to escape the probe, either of Mr. Goff, or Mr. Sutherland, or Mr. Jerome, or anyone else.

Mr. Goff.—The difficulty with the situation, your honors, is this, that I did not propose to intervene at this stage of the investiga-

tion, as your honors well know, until a later stage; but the sudden emergency compelled me to use every effort possible to procure the attendance of Captain Price here before this committee. If Captain Price had given notice of his intention to Mr. Nicoll, and if I were aware of the fact, I should with pleasure have applied to Mr. Nicoll; but when an emergency forces itself upon an attorney, and he desires to secure the attendance of a witness, he does not go around to counsel on the other side to procure that witness for him. I fully agree with Mr. Nicoll that the department, I have no doubt, will secure the attendance of any of its members here before this committee; but the difficulty is that the department has no control over Captain Price to-day; and Mr. Nicoll no doubt is aware of the fact, inasmuch as Captain Price has been on the sick list, it is not in the power of the police to compel his attendance here.

Chairman Lexow.—I do not think Mr. Nicoll raised that question before this committee. The question is whether Captain Price was regularly subpoenaed, and, if so, whether the excuse made here on his behalf by the police surgeon covers the case.

Mr. Goff.—Your honors, he has not been subpoenaed. We have not been able to reach his person. That is the difficulty in the situation, and upon this point I think it of public interest to ask the committee in the hearing of Mr. Nicoll, counsel for the police department, if there is no truth whatever in the rumor which seems to be well founded, and to be taken from the records, that Inspector Williams is about to go on a vacation. If so, of course, it would be proper to enable the committee now in advance to say whether or no they will require Captain Williams' attendance before any vacation should commence, or whether they think such vacation would enable the committee to rest assured they would be enabled to see Inspector Williams on his return.

Chairman Lexow.—Does counsel care to make any answer to that?

Mr. Nicoll.—I am entirely mixed up; I do not understand this situation; I had supposed the committee was taking up certain branches of the investigation relating to politics, and was going to pursue that until they had concluded their labor, and that the very useful services of Mr. Goff would be postponed until that conclusion had been reached; we are now in the middle of that investigation.

Chairman Lexow.—Can you answer this, Mr. Nicoll, how it comes that, although Captain Price was not subpoenaed, a communication of this kind was sent to the senatorial investigation committee?

Mr. Nicoll.—I do not know unless the subpoena was left at his house.

Mr. Goff.—The subpoena was not left at his house.

Senator Cantor.—As I understand Mr. Goff, he telegraphed to Captain Price at his house.

Mr. Goff.—This morning; that letter must necessarily have been dated before my telegram reached Captain Price.

Senator Cantor.—Dated April 13; that is to-day.

Mr. Goff.—My telegram was sent this morning.

Chairman Lexow.—Mr. Sergeant, do you know how this letter reached you?

Sergeant Jacob Walsing.—From the surgeon; I was at the surgeon's house myself, and received that communication myself this morning.

Mr. Goff.—What caused you to go to the surgeon's house?

Sergeant Walsing.—A communication I received last night at 10:55 that Captain Price was subpoenaed to appear before the senate committee at 10 o'clock.

Mr. Goff.—And did you go to the surgeon on your own responsibility, or in consultation with anyone?

Mr. Nicoll.—This is an informal way, inconsistent with the dignity of this committee, to be taken in such a talk as this.

Mr. Goff.—Will the sergeant take the stand?

Mr. Nicoll.—One moment. I will do this: I have said at the beginning that an official of the department whose presence was needed by this committee should be present. I repeat that now. It is not necessary for counsel to be sending people around scurrying around with subpoenas after police captains, or inspectors, or commissioners, or anybody else. All they have got to do is to send me a note, if they want them at a certain time, and they will be present.

Mr. Goff.—Will you state Inspector Williams will be present when he is needed here?

Mr. Nicoll.—I will state he will be here when he is needed. Did you consult with the committee that Captain Price should be here this morning? Mr. Goff seems to have jumped at a conclusion, sending out for the witness.

Chairman Lexow.—I would not criticise on that account. Mr. Goff is one of the counsel for the committee, and has perfect right to subpoena witnesses if he wants to; and the only question is whether this is in good faith or not. If Captain Price is going to attend when he is needed, and if Mr. Nicoll makes that statement, that should cover the case.

Mr. Nicoll.—Exactly. I have not the slightest doubt that he is in the condition presented by the surgeon. He is described

as being in a nervous condition, which is doubtless the result of his trial and conviction by the commissioners. When you want him you can have him. Those who think he is going to Italy to remain there on account of Mr. Goff, that is too absurd to demand a reply.

Mr. Goff.—No, the attractions of the Mediterranean have been of such a forcible character, that people have remained there longer than they expected. Mr. Chairman, I ask that this sergeant be called to the stand. I wish to ask him a question.

The Chairman.—Will you take the stand?

Sergeant Jacob Welsing, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Sergeant Welsing, you are one of the sergeants at Captain Price's precinct? A. Yes, sir.

Q. The twentieth? A. Yes, sir.

Q. After you received a communication at 10:55 last night that Captain Price was required to appear before this committee, did you consult with any person between that and the time you went to the police surgeon this morning? A. No, sir.

Q. Did you go to the police surgeon of your own mind? A. Yes, sir.

Q. Without consulting anyone? A. Yes, sir.

Q. You did not see Captain Price at all? A. Yes; I did. }

Q. Where? A. I seen him at the station-house.

Q. When? A. This morning.

Q. So that he was not covered up with blankets, was he, or in any condition — A. No, sir; he was not.

Q. Was he in uniform? A. He was not.

Q. What time was he at the station? A. About 8 o'clock this morning.

Q. How long did he remain? A. A very short while.

Q. Where did he go after he left the station? A. He went home.

Q. Did you tell him you had a communication last night at 10:55 requesting that he should be before this committee this morning? A. I did.

Q. Was it after that when you saw Captain Price this morning that you went to the surgeon? A. Yes, sir.

Q. Did he direct you to go to the surgeon? A. No, sir.

Q. Did you tell him you intended to go to the surgeon? A. Most assuredly.

Q. As the result of that conversation between yourself and Captain Price, you told him you would go to the surgeon? A. Yes, sir.

Q. You told him you would go to the surgeon to get a certificate of the surgeon of his sickness? A. I did not tell him that; but I went there to get that certificate.

Q. And that was the understanding between yourself and the captain to go there and get a certificate? A. It was my duty to do so.

Q. I am not asking for your duty; I am asking for your intention? A. Well, my intention was.

Q. Was it not your intention when you told the captain you would go to the surgeon to get a certificate from the surgeon to be present here this morning? A. Most assuredly.

Q. And the captain was aware of your intention from your conversation? A. Yes, sir.

Q. And the captain went home with the knowledge that he was wanted here? A. I presume he did; yes, sir.

Q. When was the captain last at the station before this morning? A. Well, I really could not say the dates.

Q. Last evening at roll call? A. No, no.

Q. Or yesterday morning? A. No, sir.

Q. The captain has been on sick leave for some time, hasn't he? A. Yes, sir.

Q. And going backward and forward to the station? A. He would go to the doctor.

Q. Wasn't he coming backward and forward to the station? A. No, sir.

Q. Hasn't he been at the station several times since he has been on the sick-list? A. Yes, sir.

Q. And this doctor who signed the certificate is a police surgeon? A. Yes, sir.

Q. Where does he reside? A. Two hundred and twenty-three West Thirty-fourth street.

Q. How soon after Captain Price left you; how soon did you go to the doctor's? A. Immediately.

Q. And you told the doctor the captain was wanted before the Senate committee this morning? A. Yes, sir.

Q. And you told him you wanted a certificate as to Captain Price's condition? A. Yes, sir.

Q. You are aware he intended to sail for Europe to-morrow morning, are you not? A. Yes, sir.

Q. Early? A. How early I don't know.

By Senator Cantor:

Q. What is the leave of absence of Captain Price? A. Thirty days.

By Mr. Goff:

Q. That is the highest leave that can be granted? A. He has 35 extended to him; five days, that is, in the case of an accident.

Q. In case of an accident? A. Yes, sir.

Q. And did you see his leave of absence? A. I did, sir.

Q. Do you not know that the leave of absence commences at the end of the sickness? A. It does.

Q. So, when he gets well his leave of absence commences? A. Yes, sir.

Q. And if he continues ill for six months, then his leave of absence commences after his illness? A. I think so.

Q. Yes? A. Yes, sir.

Q. The Mediterranean is a salubrious place; don't you know that the communication you received last night was received from a police authority? A. It was, sir.

Q. And that police authority requested Captain Price to appear here this morning, did it not? A. It requested me to notify Captain Price.

Q. To appear here this morning? A. Whether he could appear here this morning.

Q. And you replied he was under the care of the doctor last night? A. I replied he was sick and unable to attend.

Q. You assumed that yourself? A. Yes, sir.

Q. You sent that information last night in reply to the message, that he was sick, and unable to attend? A. Yes, sir; the communication I received last night.

Q. You sent that communication to Captain Price last night? A. Yes, sir.

Chairman Lexow.—Any questions to ask, Mr. Nicoll?

Mr. Nicoll.—No.

Chairman Lexow.—That is all.

Mr. Goff.—In the face of—one moment, Sergeant—in the face of the sergeant's testimony, I ask this committee to direct this police official, and I ask Mr. Nicoll for his kind services also, to request the presence of Captain Price, he being able to be out this morning, at the station-house, to request his presence here at an hour to be fixed this afternoon.

Mr. Nicoll.—That all depends upon the physical condition of Captain Price.

Mr. Goff.—If he was perfectly able to be out at 8 o'clock, he ought to be able to be here at 2 o'clock.

Sergeant Welsing.—We had to take him home in a cab.

Senator Cantor.—The sergeant states they had to take him home in a cab.

Q. Did he come in a cab to the station-house? A. I can't say.

Q. Were you there when he arrived? A. I was in bed when he arrived.

Q. Did you see a cab waiting for him? A. It was at the door when I came out.

Q. Wasn't it sent for? A. That is what I don't know.

Chairman Lexow.—It goes without saying that if the condition of Captain Price is such that he can not attend, if his physical condition is such that it is impossible for him to attend, this committee would not be justified in compelling his attendance here. On the other hand, it looks to me as though this witness had upon the stand here made out a case of some doubt upon that question; and the committee ought to be placed in a position of further information, before it can come to any conclusion.

Senator Cantor.—You might send for the surgeon.

Chairman Lexow.—You might either send for the surgeon, or have further evidence as to the physical condition of Captain Price to be placed before the committee.

Mr. Goff.—You see, Mr. Chairman and gentlemen, it is my sincere desire to not interfere with Captain Price's departure; so that any accusation or suggestion could be made that we wished to play anything sharp upon him by serving him immediately upon board the steamer; so I endeavored to have him here to-day, so that it would not interfere with his departure, and our examination would take up a very short time. It is a great pity we can not have him here under those circumstances. I appreciate the objections that we can not compel a sick man.

Chairman Lexow.—Mr. Nicoll, inasmuch as the counsel for the committee places so much stress upon the examination of Captain Price before he leaves the city; and as I understand him it is his intention only of putting a very few questions to him, would it not be possible, in your judgment, to have Captain Price here this afternoon for that purpose?

Mr. Nicoll.—I don't think it would. I think, inasmuch as this committee is going to sit for an indefinite period of time, and are going to afford every facility for examination, that there is no particular reason for having a man who is in the unfortunate condition that Captain Price is and bringing him down here for examination. I do not think it is proper treatment. It would not be done by a court. Why should it be done here?

Chairman Lexow.—The circumstances are a little different. There is nothing on record as yet establishing the authority of this committee to sit longer than the session of this Legislature.

Senator Cantor.—No question about it, however; not the slightest in the world.

Chairman Lexow.—Does the leader of the minority on the floor make that statement absolutely?

Senator Cantor.—Certainly, that will be extended after the session.

Chairman Lexow.—That ought to cover that proposition. The leader of the minority in the Senate states that the authority of this committee will be continued after the session; he makes that authoritatively, and that should be conclusive.

Mr. Goff.—That is gracious of Mr. Cantor.

Chairman Lexow.—I suppose that Captain Price will not remain over a year. If he does, we can send a commission to the Mediterranean.

Mr. Goff.—Your honors will excuse me. I am sorry to have taken up your time this morning.

Chairman Lexow.—The committee will stand adjourned until to-morrow morning at half-past 10.

Proceedings of the twelfth meeting of the committee, Saturday, April 14, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Jacob A. Cantor, Edmund O'Connor, Charles T. Saxton, Daniel Bradley, and Cuthbert W. Pound, of the committee, and Mr. C. D. Schram, sergeant-at-arms of the Senate.

William A. Sutherland, counsel for committee.

De Lancey Nicoll, counsel for the police board.

Chairman Lexow.—Mr. Sutherland and Mr. Nicoll, the committee have—

Mr. Sutherland.—I desire to make a statement.

Chairman Lexow.—Certainly.

Mr. Sutherland.—It seems to me, that the committee ought to be relieved from the charge that it has in its employ counsel concerned in an attempt to frustrate the examination by the committee to the police force; that charge has been distinctly made in the public press, in the journal, which I shall not dignify by naming, but in that interesting screed, is this statement: "There are some interesting facts behind Lawyer Goff's failure to subpoena Captain Price, which apparently connect that failure with Mr. Sutherland's remark in court, this morning, 'No, let him off.'" A previous paragraph in the same paper states that when the name of Captain Price was called, and he failed to appear, that I remarked in an undertone, "Now, let him off." We are not informed to whom that remark is said to have been addressed; certainly not to the committee, for it was made in an undertone,

and the committee could not have heard; certainly not to Mr. Goff, for he said he was not disposed to let him off. No such remark was made, nor anything susceptible of any such interpretation, and I challenge any person in the courtroom now, or outside its walls, to substantiate that allegation. The Mail and Express had a knowledge of the nature of the evidence which Captain Price was to have been questioned. This knowledge, it is needless to say, was not communicated to the Mail and Express by myself. Probably not by Captain Price. The Mail and Express also knew of the efforts that were being made by Price and Williams, who is more or less interested in events which Price would have been asked to recall, to take a quiet vacation.

"A reporter followed closely Mr. Goff's efforts to reach Price, and learned how his failure was due directly or indirectly to Lawyer Sutherland and his associate, Mr. Grasse.

"The subpoenas which could have compelled Price's appearance before the committee are in the hands or under the control of Sutherland and Grasse."

I am advised that some two weeks ago the police department extended to Captain Price a leave of absence which he now holds; that it was open and public, and that two weeks since efforts could have been made to obtain a subpoena, if the presence of Captain Price were desirable.

"The failure to serve Price was due to an unsuccessful effort to get subpoenas from either of these gentlemen, and not from a failure to find Price himself."

Chairman Lexow.—This committee does not believe a word of that article, so it does not seem to me necessary to go into these extended details. I do not believe the committee, and I am sure the people do not, believe a word of it.

Mr. Sutherland.—I desire to make my statement of the facts.

Senator O'Connor.—I should think that you were too old and too experienced a man to think it needful to take up the time of the committee to explain that article.

Mr. Sutherland.—Has the committee anything else to do this morning?

Senator O'Connor.—Not particularly, but the committee is able to take care of itself, and at any time when any counsel is unsatisfactory to this committee, his connection with the committee will cease. I do not think it is incumbent upon any counsel to try to satisfy the committee of his honesty; we are satisfied with your conduct of the case, and we take no stock at all in this business.

Mr. Sutherland.—I should ask the committee for permission to take the stand and contradict this statement under the solemnity of an oath, but the committee have said that that course

would not be in accordance with the dignity of the committee, but the committee accorded me the privilege of making a statement and I desire to make it seriatim.

"The messenger who asked Mr. Grasse for the subpoenas knew nothing of the object for which they were required." The messenger who asked Mr. Grasse for the subpoenas asked him in my presence, and they were asked for at 3 o'clock or thereabouts, Thursday afternoon. I was in Mr. Grasse's private office in consultation with him; the door was closed, and no newspaper reporter was present or where he could have heard what took place. A messenger came with a card, stating that he had come from Mr. Goff and was one, as I understood, of Mr. Goff's assistants and asked for a subpoena. He asked for it in Mr. Grasse's private office, where we three only were present. Mr. Grasse immediately gave him a blank subpoena, and he replied, that he wanted one which was already signed, and then said Mr. Grasse, "If you desire one to serve upon a witness," the idea being to have printed copies made, "you had better take two, so there may be a proper affidavit of service returned to the committee." "Yes," said that gentleman, "That is a good suggestion." He took two subpoenas that were already signed. He was asked if he desired more and he said no. He left the office with those two subpoenas about 3 o'clock, Thursday afternoon. There was no refusal on the part of Mr. Grasse or myself. How the information could have got to the paper that such took place, the committee can judge as well as I.

Senator O'Connor.—Newspaper enterprise.

Chairman Lexow.—Newspaper enterprise or imagination.

Mr. Sutherland.—Then the article says not only was refused but required to bring a written order; that this came, and Mr. Grasse had gone home, and then that the messenger followed me to the hotel, conveying the idea, perhaps, that it was earlier in the afternoon. "There were three men who accompanied this gentleman on his return. They all hastened to the Metropole Hotel, where Lawyer Sutherland was found enjoying some refreshment." I saw no one on this subject until 10 minutes after 7 Thursday night, when eating my dinner; one man only came to me; no others were within hearing distance; I was alone at my table, and none of the tables immediately adjacent to me were occupied. He asked for more subpoenas, and handed me a letter, and I took out my watch and saw that it was 10 minutes past 7. I said, "Mr. Grasse is not at his office; you had better go to his house and see if you can find him; I have no subpoenas," and the messenger departed.

The article then asks questions about my complicity with the

attempt to suppress this evidence and says: "Why did they wish to have it delayed until the service would be too late, if they both knew Price was going to Europe? Why did they try to help Price get away? Where did they get their information? Was it through any channel which has been open to Mr. Sutherland since the new friendship between himself and Inspector Williams has existed?"

I have met Inspector Williams but twice in my life; both times in the corridor of the Fifth Avenue Hotel; both times when he was in company with another gentleman and on neither of the occasions was the subject of this committee alluded to, and both interviews were less than five minutes' duration. I have received no information from Inspector Williams directly or indirectly regarding the investigation before this committee. I have received no greater information from him than I have from Mr. Goff; no more and no less; that is, none whatsoever.

Chairman Lexow.—I understand that it is admitted that the information received by Captain Price came directly from the office of the counsel of this committee, Mr. Goff. There does not seem to me to be any question about that; it is admitted that Mr. Goff sent to the police department, and asked them to produce Captain Price, and Captain Price, through Superintendent Byrnes, was informed of the fact.

Mr. Nicoll.—He did more than that—

Mr. Sutherland.—Excuse me, please. I desire now to request of the committee such action as it seems to me is proper under the circumstances. Certainly, I have not the slightest desire to do or to say anything that shall impede a successful prosecution of this investigation. In view of these published statements and the source from which they have evidently sprung, I now ask the committee to suspend the further investigation in any department, until the committee shall meet after the adjournment of the Legislature.

Senator O'Connor.—Did you want to say something, Mr. Nicoll?

Mr. Nicoll.—I have nothing, of course, to say on the subject. Commissioner Sheehan is here and has been here some five or six days away from his office, awaiting to be investigated.

Mr. Sutherland.—He has been here on my subpoena.

Mr. Nicoll.—Other clients are ready to be investigated; they will always be ready; if it is the pleasure of the committee to investigate them three weeks from now or five weeks, or six weeks, that will be equally acceptable to them. I do think, however, that I should say on behalf of Captain Price, whose son has come to me this morning, that to put it as mildly as possible,

there was some over statement of the difficulties attending the effort to subpoena Captain Price. It was suggested that there was an attempt to keep himself concealed —

Chairman Lexow.—I do not think it is proper to throw any reflection upon counsel for this committee in any statement that they have made here; the evidence that we have is under oath, the facts are well known, as the committee, through me, stated before that they do not believe the statements in the paper, because the facts are in our possession that show it is not true.

Mr. Nicoll.—I suppose the committee believe the statement of their own counsel.

Chairman Lexow.—Unless Captain Price is here to be examined this morning, we will suspend the further proceedings until such time as may be appointed by the committee after the adjournment of the legislative session.

Senator Cantor.—I understand that Commissioner Sheehan is here, and that Captain Price has abandoned the trip abroad and is subject to the committee for investigation.

Mr. Nicoll.—That is true, and I want to say this, that while we were here discussing yesterday, with great solemnity, the question of the departure of Captain Price to Europe, for the benefit of his health, he had sent a telegram to Mr. Goff offering to appear.

Chairman Lexow.—I understand that is admitted. We will adjourn especially for the reason that this being the end of the legislative term, and our duties being so onerous in Albany, that it will be impossible for us to sit here next week or the week after, and for that reason it seems best to adjourn over until such date after the end of the legislative session that may be fixed by the committee.

Mr. Nicoll.—I want to say one more word, and that is this: I have had my attention called to that article referred to by Mr. Sutherland, and especially to that sentence in the article which says, "Now, let him off," and I wish to say that I was sitting as near Mr. Sutherland as I am to-day, or nearer; he was sitting here and Mr. Grasse there, and my face was directly toward them, listening to what Mr. Goff was saying, and I am positive that he made no such observation or anything like it.

Chairman Lexow.—The committee does not think that Mr. Sutherland's standing in the community is such that he need make any explanation of a matter of that kind.

Mr. Nicoll.—I quite agree with that.

Chairman Lexow.—I do not believe anybody who knows Mr. Sutherland would credit that article for one moment.

We stand adjourned until such time as may hereafter be appointed.

Proceedings of the thirteenth meeting of the committee, held in the Court of Common Pleas, Part II, in the County Court House, in the city of New York, Monday, May 21, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Charles T. Saxton, Daniel Bradley and Cuthbert W. Pound, of the committee; George W. Robertson, John W. Goff, W. Travers, Jerome and Frank Moss, of the counsel for the investigating committee; Mr. De Lancey Nicoll for the police board.

John McClave, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—I think it but proper, Mr. Chairman and gentlemen, to state that Mr. McClave's examination will very probably occupy the entire day; and I would therefore suggest that you excuse the police commissioners who have been subpoenaed to be present for to-day.

Chairman Lexow.—All the other witnesses?

Mr. Goff.—The police commissioners, if you please, not the police clerks that may have been subpoenaed, but Commissioner Sheehan and Commissioner Martin, if he be present. Please excuse Commissioner Sheehan for the day.

Chairman Lexow.—Commissioner Sheehan, if you desire to go you are excused for the day; your testimony will not be reached to-day.

Q. What is your business, Mr. McClave? A. I am a lumber dealer, and have been such since 1860.

Q. Do you conduct your lumber business individually or in conjunction with partners? A. No, sir; I have no partners at all; I am single handed.

Q. How is your lumber business designated? A. In what respect?

Q. How is it called? A. John McClave.

Q. Lumber business? A. Yes.

Q. Where is it located? A. Twenty-first and Twenty-second streets, Eleventh avenue and North river.

Q. Are you interested in any other lumber yards but that one? A. No, sir.

Q. Are any members of your family interested in any other lumber yards but that one? A. No, sir.

Q. How long have you been in business, do you say? A. Since the 10th day of January, 1860.

Q. How many times have you failed? A. I was a junior member of a firm that went into liquidation in 1870; that was the only time.

Q. How about 1866? A. I did not fail; I was not connected with any failure in any way at all.

Q. Did you make an assignment for the benefit of your creditors in 1866? A. I did not.

Q. Did you ever make an assignment for the benefit of your creditors? A. I did not.

Q. Did you ever enter into an agreement with your creditors to liquidate your debts for ten cents on the dollar? A. No, sir; I did not.

Q. Do you know Charles Christman of Christman & Norton? A. I do sir.

Q. He has claims against you now for old debts? A. He has not.

Q. When were you first elected alderman? A. I think it was in 1879.

Q. You mean to say Mr. Christman has not a claim against you? A. He has not, sir.

Q. You mean to say he has not made a claim against you? A. No, sir; he has not.

Q. You mean to swear he has never made a claim against you? A. Absolutely and positively.

Q. So you assume now to know what Mr. Christman may have done, and what he may not have done? A. I don't know what he may have done, but I say absolutely and positively he has no claim against me.

Q. Do you know whether he ever made a demand? A. He has never made a demand on me.

Q. To your knowledge? A. Never.

Q. This is the first you have heard of it? A. Yes, sir.

Q. For any transaction growing out of any business relation you had with him in 1866? A. No, sir; never had any claim.

Q. Do you state, commissioner, how many times you failed or were connected with concerns that did fail? A. I have.

Mr. Nicoll.—I object. I object, that it is utterly irrelevant and immaterial. If he has failed 20 times, what difference does it make. You are here for the purpose of inquiring into his conduct as police commissioner, for the purpose of obtaining information to pass remedial legislation at the next session of the Legislature. What difference does it make whether he failed or not?

Chairman Lexow.—I do not understand that the witness has claimed the privilege, and until the witness claims the privilege, I do not see that your objection should stand.

Mr. Nicoll.—If you expect the witness to claim any privilege that any question put to him by Mr. Goff will criminate him, you will never have any such privilege. But that is not the thing. He ought not to be examined about his business affairs back 30 years ago. He will never claim that privilege; I will guarantee as long as he sits in that chair he will never claim the privilege on the ground of its incriminating him. I object to it, because of its immateriality, on the line of the investigation mapped out by the committee.

Mr. Goff.—Before I comment on Mr. Nicoll's objection, I want to ask Mr. McClave one or two questions.

Q. Have you any counsel here? A. Mr. Nicoll is counsel for me.

Q. Have you, for the police commissioners? A. For the police commissioners and for the police department, as I understand.

Q. Do you know it? A. I know that to be a fact; yes.

Q. Was there a resolution passed to that effect? A. No.

Q. How do you claim he can act for the police department or police commissioners, without a resolution? A. Because they asked him to act.

Q. Is there any record on the police minutes to show that? A. No.

Q. How does he represent the police? A. Mr. Sheehan, and Mr. Martin, and myself, have asked him to serve.

Q. You mean the individual members of the police commission? A. I suppose so.

Q. When the board of police commissioners want to have an order executed, it is done by resolution, is it not? A. Yes, sir.

Q. And there is no resolution inscribed on the minutes of the appointment of Mr. Nicoll as counsel for the police department, is there? A. No, sir.

Q. The simple fact is you paid him a retaining fee, didn't you? A. That is correct.

Q. And Mr. Sheehan gave him his retaining fee? A. Yes.

Q. And Mr. Martin gave him his retaining fee? A. That is true.

Q. And Mr. McLean refused to give any retaining fee? A. I never heard him so state.

Q. Has it not been so stated? A. Not to my knowledge.

Q. To your knowledge has any police official of any kind whatever written Mr. Nicoll about a retaining fee, except Mr. Sheehan, yourself and Mr. Martin? A. I have no knowledge of it; will the committee permit me to explain; I want to say this —

Q. This is not a place for making a speech? A. I have nothing in my life to conceal, and you can go right back to my child-

hood; and some intimations that you are throwing out here are uncalled for; there is nothing in connection with my entire life that is not open to the broad sunlight; and when you go back 30 or 40 years, you can go back to my babyhood.

The Chairman.—Order. You will only answer the question.

Mr. Goff.—I beg the committee to allow Mr. McClave to talk.

Senator O'Connor.—I wish the chairman to instruct Mr. McClave not to say anything, except to answer questions, until he gets through, when he can make any explanations he deems necessary.

Chairman Lexow.—I was on the point of instructing the witness in that way; but as I understand Mr. Goff, he now wants Mr. McClave to make any explanation he desires.

Mr. Goff.—I am satisfied. Go on, Mr. McClave.

The Witness.—Go on and put your questions; I am through now.

Mr. Goff.—Now, if your honors please, we might as well dispose of this question now, at the threshold of Mr. Nicoll's objection, because if it be allowed to germinate into a fusillade of objections, the result will be to impede the work of this commission and to obstruct the investigation. Personally, I would be delighted to enter into any discussion that I would feel competent to enter into with Mr. Nicoll; and personally I know him to be a delightful gentleman, and we have had very pleasant conversations and intercourse with each other professionally and personally; but this involves a question of right, and of principle. This is not a court of justice where technical objections may be made to the competency or the materiality or the relevancy of certain questions. This is a commission to inform the minds and to affect the conscience of the legislators of this State; and they can only derive their knowledge from probing and questioning the witness in their own way upon each subject that comes up. Upon the direct question of the objections, Mr. Nicoll says that he objects to going into this gentleman's private life. The witness himself repudiates his counsel's objections, says he is perfectly willing that we shall go into his private life, that he has nothing to secrete from us. That disposes of that objection; but I might as well inform the committee that even in a court of law, where a principle was enunciated by a high judicial authority for whom Mr. Nicoll, I have no doubt, entertains profound reverence—his honor, the recorder of this city, has ruled over and over again, as I have the records here before me, that where persons are upon trial, and where for instance, their mode of life becomes a subject that may be relevant to the inquiry, that the inquiry as to their mode of life, may be gone into and properly pursued; and apart from that being

good law, it is good morals. There is not a president of a bank to-day in New York to whom, if it was reported that one of his clerks or subordinates was living beyond his means, on the race-course, in the gambling hall, with women of questionable repute, it would be that president's duty to call that employe to order, and inquire from him where he derived the means that he was spending and squandering out of the orderly routine of his clerical life. If he did not do that, he would be false to his principals. The people of the city of New York has this gentleman on the stand here as a witness. He has been their servant — and I do not mean my remarks to apply to him personally, but to all men acting in the same position — he has been a servant; he has lived upon a stated salary, so far as the public knows, fixed by law. It is the duty of this committee, acting for the public, if it appears to them proper and relevant as a subject of inquiry, to find out whether this man has been living as a millionaire; where he has derived the source of his income and expenditure. If any witness coming within the same category that Mr. McClave comes shall refuse to answer such questions, I respectfully submit that his refusal will be more damnatory to him than his objection; and if these objections are continued, we must have them disposed of now. It is on record that Mr. Nicoll is not the counsel of the police department of this city; so the witness has proven. Your honor recognizes the fact that a corporation never can act, except by a resolution; the board of police commissioners can not act, except through a resolution or its rules. There has been no resolution passed; and Mr. Nicoll is the private counsel of Mr. John McClave, and appears in no other capacity. Let me call attention to the case of *The People against McDonald*, reported in the 99th N. Y.; and I read from the case, at page 485, which was a case for the commitment for contempt in refusing to answer certain questions before the Senate. As my associate informs me, I recollect now, it was the Senate committee of that year to whom were preferred charges against the public works department of this city under the administration of Hubert O. Thompson, and the witness refused to answer certain questions; and the question was afterward litigated by habeas corpus proceedings and writ of certiorari to the Court of Appeals. The court says: "But where the relator was not on trial, nor was he a party, but he was a mere witness called upon to testify in relation to charges against another person, and there was no trial pending against any one, as well might a witness examine before a grand jury, conducting an investigation of a charge against another person with a view to his indictment, who claimed the right to be attended by counsel. We do not think that a witness has that right." *The investiga-*

tion which your honors have started to carry on is one directed to be made by the Senate of this State upon charges preferred by the citizens of New York in a common and general way, and by common report, of corruption and bribery and maladministration, existing in the police department in this city. Mr. McClave is called as a witness to inquire into that question, not as a charge against Mr. McClave personally; but he forms part of the government charged with dishonesty and corruption, and he being one of that government, he comes here necessarily to answer questions which you may deem proper to put to him, touching not only his official acts, as recorded in the book of minutes of the police department, but touching his life as a citizen in connection with his official character as police commissioner. Now, if your honors please, I say right here, that while I shall have the pleasure or honor of attending before you, I shall always be delighted to extend to Brother Nicoll whatever courtesy may lie in my power, and I am sure he will reciprocate; but I wish to warn him here in advance that these objections must be stopped at the threshold, or this investigation will be delayed indefinitely, and the result of it will be that part, or the greatest part of the time, will be taken up by wrangles between counsel and possible competitions as to their width and brilliancy of expression. That is not what this committee is here for. It is here to obtain evidence upon which to base its report to the Senate of this State. I, therefore, submit, if your honors please, that it is a question that calls for your most earnest attention and prompt action.

Senator Saxton.—Mr. Goff, please hand up that McDonald case, because I want to look at it.

Chairman Lexow.—I do not think it makes any material difference whether Mr. Nicoll appears for the police department as a department, or for Mr. McClave as an individual. Mr. Nicoll understands, I believe, that he is here by courtesy of the committee.

Mr. Nicoll.—Entirely, sir.

Chairman Lexow.—That he has got no legal status here; that his clients can not claim any representation before this committee at all legally; but we have accorded him that courtesy, and he comes here in one sense as an *amicus curiae*. I hope to assist the committee rather than to impede the committee or to hinder its action. If he offers an objection, they will pass upon it, and if it is a frivolous objection, they will treat it accordingly.

Mr. Nicoll.—I want to say that that was the agreement between the honorable chairman of the committee and several of its members at the very commencement of the investigation,

when my rights and the rights of the witnesses were well defined and spread upon the record.

Chairman Lexow.—The suggestion is made by several members of the committee, however, that this may be a good point to discuss as to how far this committee will be or is privileged to go into the private character and private life of those who indirectly are under charges before the committee.

Mr. Nicoll.—I was just coming to that, and was about to suggest it was not a good point, because it does not seem to be spread out on the record. Now, for instance, Mr. McClave has been subpoenaed to bring down here books relating to his household, to the payment of his servants, and to all his business continued during the past 30 years, as well as to his books, kept by him in his position as treasurer of the police board. Of course, as to those, they are public records, and they are at the service of the committee at all times; but not only is he asked to produce those, but he is asked to produce his household book, to spread before you the accounts of his butchers and bakers and the servants he keeps in his house, and the nurses he pays for his children, and various other things. This is a subpoena to produce: "The three bank-books of your personal, private and household accounts in the Bowery National Bank." Now, when Mr. Goff comes around to that point in Mr. McClave's investigation, I have it in my mind, in fairness to submit to the committee, whether or not they were going to pursue that line of inquisition and investigation, and at that point, I propose to submit such reasons as I have formulated to induce them to refuse to go into that, but it is not up now. The only reason I objected to it now was that Mr. Goff should go back 30 years ago, when Mr. McClave was a young and struggling merchant in New York and find out about his failures long before he had anything to do with the police department. I think he was appointed first in the police department some seven or eight years ago.

Mr. McClave.—Nine years ago.

Mr. Nicoll.—Nine years ago. Very well. Here he goes back 30 years. You may assume that nine years ago the citizens of New York have a right to inquire what his mode of life was, and whether he lived at a greater expense than his salary permitted. What has that to do with 30 years ago, whether he had an arrangement with his creditors 30 years ago? And I assure you it was not because I wanted to raise the question, but from a spirit of indignation that any man should have his life investigated for 30 years past, that I put in my objection. Mr. McClave has said, "Do not assert the objection, Mr. Nicoll, I will answer it." So I withdraw it, and Mr. Goff may go on, and when the

proper time comes, I will raise this question and submit my views and authority to the committee.

Q. Mr. McClave, do you remember the night when you first received the information that this committee had been appointed in Albany to investigate the police department? A. No, sir; I have no special recollection of it.

Q. Have you any recollection, whether special or general? A. I have nothing that I can fix in my mind that would lead me to remember that particularly.

Q. Let us see; you remember being at an entertainment at a friend's house, when you received the news? A. No, sir; I have no such recollection.

Q. Do you remember going to Delmonico's in a carriage with members of your family on that night? A. Well, I don't recall that at all; I have been to Delmonico's with members of my family; I go there quite often.

Q. I ask about the night when you first received information that the committee had been appointed? A. I have no recollection of anything that transpired at the time; I could not tell you this moment when they were appointed.

Q. I am not asking you when; I am asking you for a circumstance? A. I have no recollection; if you recall to my mind anything particular I will admit whether it is so or not.

Q. Do you remember saying that you did not know or could not understand why those fellows up in Albany wanted to annoy honest men in New York about it? A. I never made any such statement as that.

Q. You swear to that? A. Positively.

Q. You were elected as a Republican to the board of aldermen, was you not? A. I was.

Q. How many times? A. Three different times; I think twice at-large and one what is known as Senate district.

Q. When were you appointed to the police department? A. I was first appointed on the 24th day of November, 1884.

Q. By whom? A. By Mayor Edison; and I was reappointed at the expiration of my term by Mayor Grant.

Q. Were you appointed in any representative capacity touching a political party in this city? A. I was supposed to be appointed as a Republican; I have been one all my life.

Q. Are you one now? A. Certainly, sir.

Q. Were you appointed as a Republican by Mayor Grant? A. I was, sir.

Q. And in your official actions, particularly in appointments, have you been in any sense guided by political opinion? A. My appointments have been made for Republican friends, as well as for business men of the city here.

Q. I repeat my question, sir; the stenographer will please read

R. (The question is read by the stenographer.) **A.** You remember that our appointments—

Q. Do you understand the question? **A.** I think it is necessary to explain this fact—that the—

Q. Do you understand the question? **A.** Have I been guided by political action; you mean by that, if I made appointments that some gentlemen who were Republicans have indorsed?

Q. I have not said, and did not mean so; will you please state whether you understand the question or not? **A.** I do not understand it, Mr. Goff; I am trying to answer it if you can get through my head what you mean; I shall be glad to answer it.

Q. In making your appointments as commissioner of police of men to the police force, and of promotions from one grade to another, have you, in making such appointments or such promotions, been guided or affected by political purposes with reference to the party which you were supposed to represent? **A.** A very large number of the appointments, Mr. Goff, have been made on representations of Republicans.

Q. Will you answer my question? **A.** It seems to me that is the answer; if you will show me exactly what kind of answer you want, I will give it.

Q. Please read the question again. (Stenographer reads question.) **A.** If you will allow me to explain that, and if I am not correct in my understanding of it of what you are trying to get at, I will try to get your understanding of it.

Q. Will the stenographer read the question? (The stenographer read the question.) **A.** I think if Mr. Goff will state just how I did make them, then if I do not answer what you want, you can correct that.

Q. We will save time if you will just answer. **A.** If you will tell me just what you want me to answer; I am trying to answer you.

Q. I will try again. **A.** The—

Q. Will you pardon me? **A.** Well, what is it you want?

Q. Have you, in making any appointments or promotions, been affected by your political views as a Republican, or the views of the party that you were supposed to represent in that board? **A.** Well, sir, all other things being equal, I will put it in that shape, an indorsement from any Republican's friends would carry weight with it.

Q. Give it a preference? **A.** Certainly.

Q. When you say you put it in that shape, you were adapting the question to the answer, or is it a fact? **A.** That is an absolute fact, sir.

Q. So that, as I understand you, Mr. McClave, in the adminis-

tration of the police department, no politics enter into the administration of that department, do they? A. I want to say, Mr. Goff, that I have been nine years in the police department, and I know nothing that enters there in the shape of politics except that of the simple appointment of ballot clerks and poll clerks, and those I have appointed from a list given to me by the Republican county committee of the city of New York.

Q. Now, any appointments that you have made in that board, have they been accorded to any political party? A. Oh, no; I do not credit them; I would not do that.

Q. Has that custom been followed in the board of crediting appointments to any political party? A. Not to my knowledge.

Q. You are reported in the morning newspaper as follows:—
Mr. Nicoll.—What morning; this morning?

Mr. Goff.—This morning, yes.

Q. "As a Republican, I would, of course, be glad to see a Republican succeed Commissioner McLean," is that true? A. That is not the statement I made; no, sir.

Q. Then you are recorded incorrectly? A. I said this, that as a Republican—he asked me a question whether I was in favor of a bi-partisan bill. I said, as a Republican I would, of course, be very glad indeed to see another Republican come into the board of police commissioners, but so far as the actual results were concerned, I did not think it would make any material difference, because there was no politics there.

Q. In the sentence I have read, have you been correctly reported? A. Not so far as Mr. McLean is concerned; not so far as it refers to Commissioner McLean; I think you and I can understand one another, Mr. Goff; you don't seem to want to understand me.

Q. There is no necessity of exhibiting any temper? A. I don't want to exhibit any temper.

Senator Lexow.—If counsel will limit himself to putting questions, and the witness to answering them, you will get along better.

Q. "But as a citizen and taxpayer, I must admit politics actually takes no part in the efficiency of the board; I have been for nine years in the board of police commissioners, and I most earnestly declare that politics has nothing to do with the working of that board," is that true? A. Yes, sir; that is true.

Q. Were you present at the examination of the president of the board, Commissioner Martin? A. I was not.

Q. Did you read his testimony? A. I did not, sir.

Q. I will read a little of it, for you?

Q. "Q. —

Mr. Nicoll.—What are you reading from?

Mr. Goff.—Mr. Martin's testimony.

Mr. Nicoll.—What page?

Mr. Goff.—It is from the Tribune.

Q. Did anybody recommend Devery? **A.** Yes, sir.

Q. Who? **A.** Many of his political friends.

Q. Did Tammany Hall recommend them? **A.** No, sir; there was no formal recommendation by Tammany Hall; there never was such, but many Tammany Hall men recommended him.

Q. Wasn't it a Tammany Hall appointment? **A.** Yes; to my mind it was due to Tammany influence.

Q. And in the case of Captain Michael Docharty, who made the recommendation? **A.** The same kind of people.

Q. Do you keep books? **A.** I have some memorandum.

Q. On these books were the appointments charged up to Tammany Hall? **A.** Yes.

Q. To nothing else? **A.** No, sir.

Q. And the same is true of Captain Gallagher? **A.** Yes, sir.

Q. And of promoting Captain McAvoy to be inspector? **A.** Yes, sir.

Q. These men felt obliged to Tammany Hall about election time? **A.** They might."

Q. Do you know of any such book in police headquarters? **A.** I have never seen it; I did not know anything of that kind.

Q. Did you ever hear of it before? **A.** No, sir.

Q. Is this the first you ever heard of appointments being charged up to Tammany Hall? **A.** I should think—

Q. I have not asked what you think? **A.** I have no knowledge of such a book; and if the gentleman kept it, it would be a private matter.

Q. Will you kindly answer the question? **A.** I say to you, no, sir, I don't know.

Q. That is all I want; can you state whether Commissioner Martin, when he answered the questions that I have read, and gave the answer to those questions, stated what was true or not?

A. Well, the only thing I could say, for instance, I should make an appointment on the recommendation of Mr. Depew—

Q. Will you please answer my question; I am asking you whether those answers were true or not? **A.** Well, it is a personal matter with him.

Q. Do you know whether they were true or not? **A.** I know I can not tell anything about that; I know nothing about that at all.

Q. So that it appears from Commissioner Martin's testimony that the commissioners in the board representing Tammany Hall

kept books or memorandum in which they charged up to Tammany Hall certain appointments, and that being so, from Mr. Martin's testimony, did you keep any book or memorandum in which you charged up appointments to Republicans? A. No, sir; I did not.

Q. And politics have no part or parcel in your administration in the way of policy? A. I think not, sir.

Q. Do you know it? A. I say, all things being equal, as a Republican, if the man had Republican recommendation, I would aid him in preference to a Democrat.

Q. Mr. Nicoll has referred here to a subpoena duces tecum which you received as regards your bank-books; have you produced those bank books? A. I have, sir.

Q. You have three accounts in the Bowery National Bank? A. What are they? I do not know which three; my personal accounts?

Q. I ask if you have? A. No; I have not of my own account.

Q. Have you three accounts in the Bowery National Bank, either in your individual name, or in a representative capacity? A. I have a bank account, and my business account has been there 22 years, and there is an account of the police department in the Bowery bank, too.

Q. In the Bowery National Bank there is an account held by you as treasurer of the police department? A. That is right; yes; as trustee.

Q. Are they in two separate accounts? A. No, sir; just a pension fund; that is all.

Q. Don't you have an account as treasurer of the board in some bank? A. Yes, sir; in the Importers and Traders'.

Q. You have an account as treasurer of the police board in the Importers and Traders'? A. Yes, sir.

Q. You have an account as trustee of the pension fund with the Bowery National Bank? A. Yes; and in the Garfield Bank; it is called the supply, alteration and repair account.

Q. Are you treasurer of that fund? A. All of them; yes, sir.

Q. Treasurer of the whole of them? A. Yes, sir.

Q. Are those all the accounts that you have in a representative capacity? A. Yes, sir.

Q. Now, tell me how many accounts you have in the Bowery National Bank in a private capacity? A. My business account, and what I call my personal account.

Q. Your business account—under what heading is that? A. John McClave.

Q. Lumber account? A. It is not marked lumber; it is lumber account.

Q. And you have a personal account there? A. Yes, sir.

Q. And have you any other? A. No, sir.

Q. Did you ever have any other account in the Bowery National Bank? A. No, sir.

Q. Did you ever have an account marked "private?" A. No, sir.

Q. Did you ever have an account marked "household?" A. No, sir.

Q. In that or any other bank? A. No, sir.

Q. You used to bank in the Bank of North America, didn't you? A. You mean the police department?

Q. Yes? A. I think some six years ago there was an account in the Bank of North America, up to about six years, and there was some rumors in reference to its standing at that time, and the board of commissioners determined to draw out what money they had there; about six years ago, I think; the bank-book is here, and will show that fact.

Q. So that within six years you have no account in the Bank of North America? A. That is my recollection, Mr. Goff; I may be mistaken two or three years; it may be four years; but I think it is about six years.

Q. Have you got the book here? A. Yes; it will show that fact; the book is here.

Q. Can you see it? A. It is tied up in the package there with the clerk from the treasurer's office. (Addressing the clerk.) You just hand to Mr. Goff the deposit book of the Bank of North America.

Q. May I open it, Mr. McClave? A. Certainly, sir; will you let me explain that little memorandum there, so you will understand it? That will show you when the book was closed; there is the amount of \$680.62 that was carried down so as to hold it for this bank; it is unclaimed salary; the unclaimed balance was here.

Q. October 19, 1891, is the last balance? A. Yes; that was \$80; \$11,000, I think, is the gross balance.

Q. I presume you have all the vouchers returned? A. For that bank; yes, sir.

Q. Of this account? A. Yes; I have them all.

Q. Have you got them in court? A. I directed the bookkeeper to have them all here this morning; Mr. Gott, have you got the vouchers, the checks in connection with the Bank of North America, the return checks?

Mr. Gott.—We have got the stub of the check-book here.

Q. Let us have that, please; have you got the bank-book of the accounts in the Bowery National? A. Yes, sir.

Q. And the Garfield? A. Yes, sir.

Q. What other bank did you mention? A. That is all—Importers and Traders'.

Q. Have you got those? A. Yes; the Importers and Traders', and Traders'.

Q. Have you got those? A. Yes; the Importers and Traders' the Bowery and the Garfield.

Q. Have you the check-books of those? A. Yes, sir.

Q. Now, you have no objection, have you, for counsel or the committee to examine into those books? A. Not the slightest.

Q. To look into those check-books? A. Not the slightest, sir.

Mr. Nicoll.—Which check-book do you refer to?

Mr. Goff.—The check-books just referred to.

Mr. Nicoll.—The Bowery, where the pension is kept, and the old account of the Bank of North America, and what other one?

Mr. Goff.—Importers and Traders'.

The Witness.—That is the account that is kept of the uniformed fund in the Bowery National.

Mr. Nicoll.—Of course we have no objection to that within such reasonable limits as a committee will fix for the transaction of the public business, and recognize the fact that these check-books are in constant use.

Mr. McClave.—Oh, yes.

Mr. Goff.—The stubs. We do not want your current check-books.

Mr. Nicoll.—Those you can have, of course.

Chairman Lexow.—How far back, Mr. Goff?

Mr. Goff.—Two or three years.

The Witness.—I have five bonds of \$460,000, and I am personally responsible for these books; they are all here.

Q. They are not convertible into cash? A. No, sir; I suppose not, but they are a matter of record.

Q. We may not go into them to any great extent; we may want to inquire of one or two items, and possibly Mr. McClave's examination may avoid that examination.

Senator O'Connor.—Are those books in evidence?

Mr. Goff.—Not at the present time.

Q. Have you been engaged in speculation in Wall street? A. Not to any extent.

Q. Do you ever speculate? A. I did; about 1863 or 4 or 5; I have bought some little stocks; very few; I bought them as an investment, as a rule.

Q. Had you a special firm of brokers? A. Yes; whatever I did; Dominick & Dickerman; they are on Broadway, just below Wall street; my transactions are very light there.

Q. And in what line of securities? A. I have simply bought sometimes a hundred shares of stock of some kind for investment, and perhaps after two or three or four years I have sold it again and bought something else.

Q. Railroad stocks or wheat? A. Yes; railroad stocks; I never bought any wheat.

By Mr. Nicoll:

Q. What was the date of this? A. The last purchase?

Q. When was this account? A. I think I have not bought any stock in perhaps three or four years, and then I think I bought a hundred shares of the National Lead, preferred, and 200 of common; the stock I have prior to that I had a hundred shares, I think, of the Manhattan.

Q. That was in 1890, was it not? A. I think it was about 1890; I bought it in 1890, and sold it.

Q. You bought it on margin? A. No, sir; bought it right out.

Q. By your check? A. Yes.

Q. Paid your check? A. Yes.

Q. What bank was that check drawn on? A. It was drawn on the Bowery, because that was the only place I have to pay from.

Q. What check did you give Dominick & Dickerman for your lead stock, drawn on? A. The Bowery bank.

Q. At the time you gave the check to the brokers for the lead stock had you more than one account in the Bowery National Bank. A. Well, I had my two accounts there for a number of years.

Q. You had your private accounts and your representative account? A. Yes; you mean of the—

Q. The police account? A. I had my lumber account; I had been there 22 years as depositor of my lumber account.

Q. At the time you gave your check to Dominick & Dickerman, brokers, how many accounts had you all together in the Bowery National Bank? A. There was three.

Q. What were they? A. One for the police pension fund.

Q. Yes, that is one. A. My business account.

Q. Two. A. And what I call my personal account, where I deposited my salary or any little amount I got.

Q. On which of those accounts did you draw your check for the lead stock of Dominick & Dickerman? A. I ordinarily drew it on my personal account.

Q. What account did you draw your check from? A. I drew it right direct from my regular business account, and would

deposit from my personal account into my business account to meet it.

Q. You drew your check for Dominick & Dickerman from your personal account first? A. Yes.

Q. Have you that voucher? A. I had my vouchers and my books so far as it relates to my personal account back to 1891, I think; so far as it relates to other accounts they are back, I think, from two to three years; from April 12, 1893; my personal business took fire, and a large number of my books were burned.

Q. Please do not be so diffuse.

Senator O'Connor.—How would he indicate which bank he was to draw upon by check?

Q. Will you tell the Senators upon which of the three accounts you drew the checks, payable to Dominick & Dickerman, in payment of your lead stock? A. I don't think I drew a check on my bank, except on my personal business account; I will state that as a fact.

By Senator O'Connor :

Q. How did you indicate which of those accounts you intended to draw from? How did you indicate on the check?

Chairman Lexow.—He testified three times he drew on his business account, and drew money out of his personal account and put it back.

By Mr. Goff :

Q. Have we the fact that this check was drawn to the firm of brokers in the first instance upon this account in the Bowery National Bank; is that the fact? A. I state that as a fact.

Q. Do you remember the amount of that check? A. No, I could not tell; I did not buy them—

Q. About? A. I should say, probably, 100 shares of preferred lead would be worth \$6,800.

Q. Don't you remember your brokers telling you that there was going to be a rise in lead, and advising you to get all the money you could to put into the stock? A. That is not true.

Q. Did they say anything to you about it? A. Never made any such statement as that to me at all.

Q. Did you act on your own judgment in buying that stock? A. Certainly.

Q. You had never bought any before? A. I had some when the company was first formed; I had a little of it.

Q. How far back? A. If you can go back to the organization.

of the lead company; I do not remember, myself; I should think five years.

Q. Within 10 years? A. Within 10 years, certainly.

Q. Within 10 years up to the time you bought these shares, you hadn't any stock of importance? A. No, sir.

Q. What induced you to purchase this particular stock that time that you did? A. Simply because I thought I was buying it low, and could make a little money out of it.

Q. Was it not suggested to you, that being low, there would be a rise? A. No; I exercised my own judgment; nobody made any such suggestion; I am not a speculator, in any sense of the word.

Q. Did you consult Dominick & Dickerman in regard to it? A. No, sir.

Q. Which of the brokers did you have relations with? A. With their office simply.

Q. Which of them, if either? A. I don't know their first name; there are three brothers of the Dominick, and one Mr. Dickerman.

Q. How did you deliver the check you paid the stock with? A. I think I mailed it to them; I think I called them on the telephone.

Q. Will you swear you did not send it by messenger? A. I could not tell you positively about that.

Q. Did you have the checks certified? A. No; I never had them certified.

Q. Do you swear you did not have that check certified? A. I do; it was not necessary.

Q. Will you explain to us why it was that you drew your check upon your business account, and then drew a check from your private account and deposited it in your business account? A. Yes, sir; if you will permit me to explain; I want to state to you when I first went into public life I made up my mind that any salary I might receive as public official I would not spend it at all; that I would make my business sustain me and provide for all my living, and, therefore, my salary or any little investment I might have made from the result of that salary was put into that personal account and kept separate from my business account; my living expenses and all my household expenses, and my expenses of every other nature are kept in my regular business books at my office and charged up to my accounts, specifying in detail what every item is for, charged up to my business account.

Q. Then only matters arising from your business in dealing in lumber went into your business account? A. Yes, sir.

Q. And your private account contained matters only relating

to your salary? A. Relating to my salary, or, for instance, when I sold my house in Seventy-second street I put the money in my personal account.

Q. That was your private account? A. Then a \$25,000 mortgage that I placed on my house for the purpose of putting in my country home—that went into that account.

Q. Into what account did the \$80,000 insurance which you got go? A. I did not get that.

Q. How much did you get? A. About half that, I guess.

Q. You ought to know? A. Yes; let me see, I can calculate; I got less than \$30,000.

Q. Into what account did that go? A. Into the Bowery Bank, into my business account.

Q. That did not go into your private account? A. No, sir.

Q. Have you given all the reasons you wish to give now why it is or it was that you drew your check on your private account to balance your business account? A. That is all.

Q. And a habit with you when you drew on your business account you then drew on your private account to balance your drafts on your business accounts; was that a habit? A. As I say, in a case of that kind; supposing I had been to buy a hundred shares of stocks, I would take it out of my private account, my personal account, but instead of sending a little check which is in my book—my regular business checks are lithographed, and they are numbered, and they are printed and much safer checks to send out—I would send that check out and put the other in its place.

Q. You had only one stock transaction? A. Yes, that is all—you mean that one time?

Q. That one time? A. I suppose in 10 years I probably bought and sold stocks 20 or 30 times.

Q. Through this one firm? A. Yes, sir.

Q. Will you swear that that check which you drew was not upon the police pension fund? A. Absolutely; and anybody that has ever made any statement such as that is an absolute and contemptible liar.

Mr. Nicoll.—Give him an opportunity to answer.

The Witness.—Anybody that has made a statement of that kind that I have touched a dollar of that police department is a contemptible liar.

Chairman Lexow.—We must ask you to restrain yourself.

The Witness.—I have got some rights; I am an honest and an honorable man, and I do not propose to be insulted in this way; I say if Mr. Goff has got any information of that kind who ever made it is a contemptible, miserable liar.

Chairman Lexow.—You have already stated that on three occasions. One will do. Just answer the question.

Q. You have sat as judge in the examination of policemen? **A.** I have, sir.

Q. Is it a practice for you to indulge in such violence of temper? **A.** I have no such occasion, Mr. Goff.

Q. Since you are such an honest man there is no necessity for your getting in such a temper if you are right? **A.** I know, but Mr. Goff—

Chairman Lexow.—I will protect any rights you have.

Mr. Nicoll.—I object to any such question.

Chairman Lexow.—I do not believe you ought to insinuate any such matters into your question. We will simply get into a condition where the witness and counsel are both belligerent, and it will embarrass the committee. Now, if you will simply put questions leading up to any point you desire to elucidate, I will ask Commissioner McClave to restrain his outbursts, for they must be restrained.

Mr. McClave.—I will say this—

The Chairman.—You may say this afterward. You will have abundant opportunity.

By Mr. Goff:

Q. Will you tell this committee whether or not you have the voucher in your possession that you drew for the payment of that lead stock for Dominick & Dickerman? **A.** I am inclined to think not, sir; I am inclined to think that was destroyed by the fire; the fire occurred on the 12th of April, 1893, at which time my offices were entirely destroyed; my stable buildings were entirely destroyed; no, I have brought to you all the books and all the vouchers; I have all the personal bank-books that run to 1889, I think.

Q. I am perfectly satisfied, commissioner, with your answer; do you remember where you were when you drew that check? **A.** I never draw them, I think, except in my own office.

Q. How many hours a day do you spend in your own office? **A.** I spend, as a rule—I get there at 8 or half-past 8 in the morning, and remain until half-past 10, and then go to police headquarters and remain during the day, and sometimes I go back to my office between 5 and 6 o'clock; I have my three sons at my office with me.

Q. Did you keep your private bank-books—the check-books at your business office? **A.** Yes, sir.

Q. All the time? **A.** Yes, sir; always.

Q. Have you made your deposits in your private account from

your business office? A. My son generally takes the money down to the bank from my business office.

Q. Have you ever sent a deposit to your private account from police headquarters? A. Never in my life.

Q. Have you put your private money in a black bag and sent it from police headquarters? A. Never in my life.

Q. That is as true as anything you have testified to? A. Yes, sir.

Q. You know your messenger, Pat? A. Pat McLoughlin?

Q. You have a messenger named Pat? A. I have a man by the name of Pat McLoughlin, who has been in my employ 25 years.

Q. Has he ever carried money from your office in Mulberry street to the account in the Bowery bank? A. Never in the bank.

Q. Has he ever deposited any money? A. He has often taken deposits for the police board.

Q. Will you let me look at your private account in the bank?
A. Mr. Barnes, just let him have it.

Chairman Lexow.—What year, and when?

Mr. Goff.—Covering a period of three or four years back.

The Witness.—Can I aid you?

Mr. Goff.—No; we will get along. One of them is marked personal. That is the only one, I think, that goes back to 1889.

Mr. Nicoll.—Is that all there is?

The Witness.—That is all there is; this is my only personal account; that is marked personal.

By Mr. Goff:

Q. That commences—the last entry in that is in 1893; May 12th, 1893? A. Yes, sir; that is right; that is the only one.

Q. And starts from 1889 and runs down to 1894? A. Yes, sir; that is right; that is the only one.

Q. That the one you keep the business account in? A. No; the other three are the business account.

Q. I thought you said the other three were your police account? A. No; all three are my business in the Bowery bank.

Q. This is the one you kept your salary and city investments you make out of the accumulations on it; am I right on that?
A. Yes, you are right.

Q. I hand you three books marked "John McClave, Bowery Bank, New York," and ask you to describe which of those three books; that is, the accounts that represent Mr. McClave; and whether or no they are co-existent with the personal account

there, or whether they are consecutive, one after the other? A. They are right in succession, commencing back; commencing as one book is filled up, and another opened by the bank; it is a book of deposit; you have three of them altogether.

Q. Those three? A. There is another one.

Q. We have one marked personal. A. I beg your pardon; yes, that is personal; these are all in the business accounts.

Q. Those are all business account? A. Yes, sir.

Q. I am not wishing to look at the contents, except to fix the dates, Mr. McClave? A. Yes, sir.

Q. I hand you a fourth book and ask you to describe that book; it is marked personal on the outside? A. That is the book which is marked my personal account, and contains the deposits for my salary and any other little investments that I may have made, besides the sale of the house for \$58,000, and a mortgage placed last August upon my home of \$25,000.

Q. You obtained a mortgage on your home? A. On my home; yes, sir.

Q. Twenty-five thousand dollars? A. Twenty-five thousand dollars; yes, sir.

Q. Will you please point out in these business books the item of \$25,000 that you paid to Hass, appears for the decoration of your house? A. I did not pay any such amount of money at all.

Q. I ask you, if you please—

Mr. Nicoll.—That perhaps is as good an occasion as any to have the committee pass upon it.

Chairman Lexow.—The witness does not ask it.

The Witness.—There is not a word of truth in it. I never paid any such money. I think about \$6,000 would be nearer to it than \$25,000.

Mr. Nicoll.—I do not expect the witness will ask any such privilege. There is no possible aspect of this examination in which he will permit me to assert any privilege whatever.

Chairman Lexow.—Then I would not do it.

Mr. Nicoll.—Because we want to have this question decided. It is an objectionable thing. Mr. Goff wants to know for his future enlightenment how far you are going to permit an investigation into a man's private affairs.

Senator Saxton.—I do not know how the other members have felt, but in view of the charges against the police department—I understand they are charged with practices by which they have obtained large gains from illegitimate services—it seems to me their private business and public business are so interdependent on each other that to sustain such a charge we will have to permit a large latitude to go into private affairs; otherwise they

may have accumulated a lot of wealth, which they say they obtained legitimately, and the people may make the charge that they obtained that illegitimately. How are we to determine whether that wealth was obtained illegitimately or not without we go into their affairs.

Mr. Nicoll.— Will you permit me to answer that question?

Senator Saxton.— Yes.

Mr. Nicoll.— I think I have got the answer right in my mind, and the answer is this: "If any evidence or corruption is produced here, you understand, by counsel or by these complainants, then it may be proper for the proposed corroborating and substantiating, in that aspect of the case, to take the private examination of public officials; but before any such foundation is laid, to take a man's private account, household bills, business affairs, and ransack and spread them out before the public, it seems to me to be a departure from the ordinary procedure adopted by committees in the past, and a very serious violation of the rights of individuals. There has been a talk, I do not know for how many years, that everybody has grown rich in connection with the police department, and that Mr. McClave has. Here he to-day stands absolutely refusing to allow his counsel to claim a privilege; and if it is true, let them bring some evidence; and if it is, let them go into the private affairs, if you think it necessary; but will you permit them in advance to take their bank accounts, to take their domestic accounts, their business accounts, and spread them out before the readers of this city, before all their rivals in business, before all their social friends? Would any member of this committee like it? Would you not resist it to the last drop of blood in your veins.

Chairman Lexow.— We might object, but no objection is made by the witness, therefore —

Mr. Nicoll.— I know; but if a member of this committee was charged of being dishonest, and some proof was laid that there was anything of that sort, then it might be followed by some evidence to show that during the period when they had acquired illegitimate gains they had made large deposits or splendid investments, or something of that sort, then, counsel might not, perhaps, be allowed any objection; but here we are in advance of anything of the sort, and we are asked to spread all these things upon the record without a single scintilla of proof. I submit with all—I know you are a fair-minded body of men, and I know also that you are almost all lawyers, knowing more about it than I do, and I leave it to your sense of fairness and justice, and to your knowledge of law, and your own experience

as to whether this is the procedure you will permit to be adopted by the counsel for the committee.

Chairman Lexow.—I think it is usual, on examinations of this kind, to ask counsel on the other side if he expects to connect it with anything that will throw light on it?

Senator O'Connor.—The evidence of matters connected with his private life may be very important as throwing light upon his public life. We have got to take these matters as they come up. If the matters connected with his private affairs are so remote that it seems impossible to affect his public life, we wont permit it; but it is hard to tell whether it has such a bearing or not. It seems to me, that we ought to hear the testimony for the present, and assume that Mr. Goff intends to make it material, and if it is not material and is not connected with any acts on the part of Mr. McClave or the police commissioners, which would be improper in their official capacity, then this wont have any bearing.

Chairman Lexow.—Do you expect to connect it?

Mr. Goff.—The learned counsel's position presents the strangest phenomena of anything ever presented in a court of justice. Here is a witness on the stand who has, with considerable warmth to-day, expressed his determination to demonstrate his honesty above all cavil and question, and here his counsel stands up and says, don't do it.

Mr. Nicoll.—You are misinformed; I don't do it, and I stated privately some few minutes ago to you, that we would have to have this question settled in this witness or some other way, and we might as well have it argued and debated now.

Chairman Lexow.—Do you expect to connect it, Mr. Goff?

Mr. Goff.—I expect to; I do not hesitate to say in Mr. McClave's hearing, and give him warning, in my expectation I may fail in it; I do not think I will—that we will prove Mr. McClave has banked the proceeds of bribery and corruption in his bank.

Mr. McClave.—I want to say to you, it is absolutely false.

Chairman Lexow.—The objection is overruled.

Senator O'Connor.—If they prove that, there will be no question of this at all.

Mr. Goff.—I can not get at it immediately; here is an adverse witness on the stand; will your honors not extend to me the rights that courts extend to counsel with an antagonistic witness; if I put a legal question in, I know the answer that would come; it would be foolish to attempt to do so; this case, if it succeeds at all, must depend on inherent justice to prove the circumstances that exist.

Chairman Lexow.—The objection has been overruled, and, therefore, there is no question for discussion.

Senator Saxton.— We presume you know what you are talking about, and you should make the charges good; I think there is a great deal of force in Mr. Nicoll's position that insinuations should not be made by indirection, but there ought to be some direct proof; the moment you establish one dishonest act of this official then I should be in favor of giving the greatest latitude to prove everything in public and private life, but I think in some points of the investigation, we ought to have some proof of dishonest practices by this man as an official; I do not think this case should be built up entirely on inferences.

Mr. Goff.— But, if the Honorable Senator will bear with me a moment.

Senator Saxton.— We indulge you with the inference that you are going to make proof, and this goes to the method of the proof, and I think it is entirely proper to overrule the objection.

Chairman Lexow.— Go on, Mr. Goff, we will take up all the session in this discussion.

Mr. Nicoll.— I do not want to take up one minute. Has not Mr. Goff told the committee he expected to be able to prove that Mr. McClave had banked the proceeds of corruption?

Senator Saxton.— Yes.

Mr. Nicoll.— If he expects to prove that, he has got that proof somewhere, and now let us have it.

Chairman Lexow.— Apparently he is laying the foundation.

Senator O'Connor.— We had better allow the counsel to take his proof.

Mr. Nicoll.— If he does not make it good, it will react on him badly.

Mr. Goff.— All we can say is, we are all human, and all liable to err, and the most we can rely upon is our judgment, but I never made a statement that I want to seek a way out of it.

Chairman Lexow.— If you will continue—

Mr. Goff.— I never seek a way out of a position I take.

Mr. Nicoll.— But you always leave a chance to find your way out.

By Mr. Goff:

Q. Now, Mr. McClave, you testified that your account in the Bowery Bank was a private account; this bank-book is marked personal; do they represent the one and the same thing? A. It is the only one; yes, sir.

Chairman Lexow.— Are you offering those in evidence?

Mr. Goff.— No, sir; not yet.

Q. Did you receive a check from George W. Judd, of 92 Park row? A. No, sir; never did.

Q. Did you ever appoint a policeman on the force for George W. Judd? A. Not to my knowledge, sir.

Q. Do you know Mr. Judd? A. No, sir; never saw him.

Q. Did you ever hear of him? A. I think I had a son-in-law who was a clerk with Mr. Judd some years ago, one that I had some difficulty with in connection with my family.

Q. Do you know what business Mr. Judd was in? A. I think he was in the produce business, although I have never been at his place of business.

Q. Do you remember appointing a policeman that came from New Jersey at his request, either directly by you, or by anybody else? A. I don't remember it, sir; I don't recollect doing anything of that kind.

Q. Will you swear you did not appoint a policeman by the name of Cook from Whitehall, New Jersey, at his request? A. I don't think I ever did.

Q. Will you swear you did not? A. To the best of my recollection, I never did.

Q. Wouldn't it strike you as remarkable if it was a man coming from New Jersey that you appointed? A. I don't think I ever appointed such a man.

Q. Will you swear you never appointed Frederick G. Cook, from Whitehall, New Jersey, on the police force? A. I have no recollection of any such name; I may have appointed a man by the name of Cook, but I think the rules of the police department prohibit the appointment of a man not a resident of the city.

Q. The rules are all right; will you swear you did not receive a check from George W. Judd, drawn on the North River Bank, in 1887, to the amount of \$250? A. Positively, sir.

Q. You are clear about that? A. Positively, sir.

Q. You are clear about that? A. Yes; will you let me explain; I think I can set you perfectly straight on what you are trying to get at; I think I see through it now.

Q. Very well, if you can see through it? A. I had a son-in-law by the name of Granger; Mr. Jerome knew him; he was his counsel; he married my daughter on the 31st of December, 1887; his acts and conduct were such that it became necessary for her to commence proceedings for divorce, which she did, and in the case a judgment was taken out here within the past week; this Mr. Granger was in the employ of Mr. Judd; at about the time of Mr. Granger's marriage he brought to me a note of Mr. Judd's for \$5,000 at 30 days, and asked me if I would cash it for him, stating that certain sight drafts had been drawn upon him; finding he was short, and having no reason to believe that his statements were untrue, I let him have \$500 for the note for 30 days; he got married and went off; I found before he had been in my

family for a month, I had a scoundrel for a son-in-law, and for six years I tried my best to reform him; and that note I think I have still; it was supposed to be signed by Judd, and it was a forgery, indorsed by my son-in-law, Mr. Granger, and he did, after he got back from his wedding trip, give me some money; I think it was \$150 or \$200 on account of the note that was indorsed on the back of it; and it was no doubt money he had saved out of the \$500 I had given him to go for his wedding expenses; and you probably have received your information in connection with that matter from this man, who is thoroughly unreliable, thoroughly untrustworthy; he can not be believed under oath, under any circumstances; and if he has ever made any such statement as that to you that I ever received any such money for any such appointment, he has told you that which is absolutely and unqualifiedly false.

Q. Are you through? A. Yes, sir.

Q. I have not mentioned Mr. Granger's name to you, and I certainly, commissioner, would hesitate and would never think of suggesting one word that would bear upon your feelings or your family difficulties? A. I feel it, Mr. Goff.

Q. I am here to do the best I can with relation to you, as a public officer; with your private affairs I have nothing to do; so I will have nothing to say about your private affairs; those are matters for your own judgment; I certainly shall not; I ask you again, if the check that you have got from Judd for \$250 was not made directly payable to your order? A. I do not think that I ever received a check from him at all, sir.

Q. Will you swear you did not? A. I am pretty sure of it; very sure of it; it is a good many years ago; I do not remember, but I think the note is not in my possession at present, but in the possession of Messrs. Frazer, Shepard & Ogden; that is the only thing.

Q. Then did you ever receive a check signed by Judd payable to your order? A. No, sir; I should say never.

Q. Then, in what shape did you receive this money from your son-in-law? A. I say he brought back, I think, that much money, from the \$500.

Q. And that note has never been paid? A. No, sir.

Q. It has never been paid? A. No, sir.

Q. You never sued on it? A. No; I think it is a forgery.

Q. You never attempted to prove it? A. Oh, no.

Q. You never sued Mr. Judd for that note? A. No.

Q. Mr. Judd is a well-known merchant in the city? A. I don't know him, sir.

Q. You know him? A. I don't know him; except my son-in-law was working there, and getting \$6 or \$7 a week.

Q. If you had this note as you say given to you by your son-in-law, and signed by Judd, a wholesale produce merchant in this city, to whom was the note payable? A. The note was payable to the order of my son-in law, Granger.

Q. Did he indorse it to anyone? A. He put his indorsement on the back of it; I should be very glad to produce the note, and give it to you.

Q. Then the note passed into your possession? A. Yes, sir.

Q. How soon was that note payable, after you got it? A. Thirty days after.

Q. When was your son married? A. He was married on the 31st of December, 1887.

Q. And at the expiration of 30 days, did you present that note for payment? A. The note was made payable, I think, at my place of business.

Q. Did you transfer the note for payment? A. No.

Q. Did you have the note protested? A. No, sir; never had it protested.

Q. Did you ever send a demand to Mr. Judd to pay that note? A. I think I had no communication with him at all.

Q. And the fact then remains, that you paid out money upon a promissory note made by a wholesale produce merchant of this city, and it has laid in your possession since 1887, and you have made no effort to collect it; is it so or not? A. No; it is not true, because I stated to you that note is a forgery, and does not contain his signature.

Q. Did you ever go to him about it? A. No; because I knew there is a hundred other such cases.

Q. You paid out money on that note? A. I paid it to my son-in-law.

Q. When did you discover he was a forger? A. Within four weeks after he was married.

Q. That was within the 30 days? A. Yes.

Q. Did you discover that note was forged? A. I did.

Q. How? A. Because he himself told me.

Q. He himself admitted it to you? A. Yes, sir.

Q. You did not make any effort to find out whether he told the truth or not? A. No, sir.

Q. It has laid in your hands ever since? A. Yes, sir.

Q. And after the 30 days, you kept him in your business for how many years? A. Never in my business at all.

Q. You kept him about you so many years? A. He was in my house.

Q. For how many years? A. I told you for six years; I kept that man for his own sake, and his wife's sake, and children's sake, and after six years I had to abandon it.

Q. Did he ever do any business transaction for you in six years? A. Not one, sir.

Q. Who delivered to you the check made by August Dux? A. I never heard of such a name.

Q. Did you ever hear of Dux, the butcher? A. No, sir.

Q. Up on Eighth avenue? A. No, sir.

Q. Did you ever receive a check from him? A. Not to my knowledge.

Q. Will you swear you did not? A. I will.

Q. Positively? A. Positively.

Q. Did you ever appoint a man on the police force of the name of Dux? A. Not to my knowledge.

Q. Does your memory fail you there again? A. I am not supposed to remember the names of the men I have appointed in nine years in the department, but I say this, if you will permit me, Mr. Goff—

Q. All right? A. I have the letters of indorsement for every appointment that I have made since I have been in the police department, connected with the papers, and if you will give me any cases that you require, I will produce those letters so that you may have them yourself to look at them.

Q. You always insisted upon that—getting letters? A. I have letters of indorsement generally from the people in whose employ they were.

Q. Even after it was announced it would cost so much money for the appointment, you insisted upon letters of recommendation; did you? A. To whom?

Q. To everybody? A. I never knew of any such fact.

Q. Will you swear it never occurred? A. I know since the history of the police department for 40 years, there has been rumors in the air of that fact.

Q. You heard rumors? A. Yes, sir.

Q. You never heard rumors concerning yourself? A. Never heard one.

Q. In your duties as police commissioner, did you ever run down those rumors since you have been in the board? A. No.

Q. They were not worthy of consideration? A. I do not say that; I have no personal knowledge of anything of that kind, and for me to undertake to excuse the entire board of commissioners, and 4,000 police officers, that would be very foolish.

Q. You heard rumors of corruption, of men having to pay for positions? A. I say there has been rumors in existence for 40 years.

Q. Did you ever hear anyone say it? A. To me, personally?

Q. Yes. A. I swear I did not; I do not think any man ever spoke to me about it.

Q. Did you ever see it in the newspapers? A. Yes; I have seen it in the newspapers.

Q. And isn't it a fact that they existed since you were in the police board? A. All the time since then.

Q. And since you have been in the board these rumors have been pretty persistent in their circulation? A. I don't know any more than yourself; I should guess they always continued so.

Q. And you, nor none of your fellow commissioners have ever taken a step to investigate the truth or the falsity of these rumors that men had to pay for appointment; I am asking you a fact, sir; did you? A. I do not recollect anything of that kind.

Q. Has it ever been brought up and discussed? A. By our board?

Q. By your police board; has it ever been brought up and discussed in the executive sessions of the board? A. Never, sir.

Q. Never heard it mentioned? A. No, sir.

Q. Do you know whether your brother commissioners heard similar rumors? A. I have no knowledge of it.

Q. You sat in the board, day after day, and you never brought it to your brother commissioners' attention? A. As to the rumors?

Q. Yes. A. No; I suppose they would hear as much as I did.

AFTERNOON SESSION.

John McClave resumes the stand.

Direct examination (continued) by Mr. Goff:

Q. You have your check-books for the pension fund printed in numerical rotation? A. Yes.

Q. And your books are made continuing in numerical number from one book to another? A. Yes, sir; that is right.

Q. In your system of auditing and checking accounts, you compare your return vouchers with the bills rendered, do you? A. Yes, sir.

Q. The affidavits and sworn statements rendered? A. Yes.

Q. And the number of your checks that you had in consecutive order, in comparing these accounts, don't you? A. Yes, sir; that is correct.

Q. And when your vouchers are returned from the bank, do you take your vouchers, and go over the payments that you have made, checking each payment, with the vouchers returned from

the bank? A. That is done by the treasurer's bookkeeper, Mr. George B. Gott, who has been there 22 years.

Q. Who has control or personal charge of these check-books? A. The treasurer's bookkeeper, Mr. Gott; the payments are made under the direction of the board, and all checks are signed by the treasurer, and countersigned by the chief clerk, and treasurer's bookkeeper.

Q. And the checks being made, are drawn by the treasurer, it will follow that the treasurer has the check-book in his possession? A. Excepting to sign the checks; yes, sir.

Q. What? A. After they are signed by the chief clerk and treasurer's bookkeeper, they are brought to me for my signature; I am personally responsible for it, and my bond is \$480,000.

Q. I am not questioning that, sir? A. The payments are all made under the direction of the board of police commissioners, the checks are drawn by the bookkeeper, and signed by him, and brought to me for my signature, he takes them back, and when they come back again he checks them with his bank-book, and we have a lot of those vouchers and can find them, without any trouble.

Q. Your stubs show the names of the payees of each check? A. Yes, sir; about 1,200 of those pay vouchers are paid quarterly, each three months.

Q. I call your attention to the stub No. 33,486, and ask to whose order that check was drawn? A. Where is it?

Q. On top, sir. A. I do not know just what those figures are; if you permit me to ask the bookkeeper's clerk, he will know; that seems to me "A. M."

Q. "All." A. I don't know what that means.

Q. I am asking the treasurer of the police board now. A. I don't really know what that means; I never have seen it before; and the bookkeeper himself, I should rather fancy, it means all checks are drawn on that bank.

Q. Don't fancy. A. Well — is it the Bank of North America?

Q. Bank of North America, yes; treasurer's office? A. Yes.

Q. Now, I ask you, on stub No. 23,487, the word "stubs" appears on that? A. There don't seem to be any amount there; I rather fancy no check was drawn.

Q. I want to know where the check that was attached to this stub has gone; what was done with it? A. I can not tell you; that I don't know.

Q. I am asking the treasurer of the police board to explain, if he can, where those checks are; what was done with them? A. Mr. Goff, that reads "All," that on this page; yes, "All this page not used;" that would seem to explain it.

Q. Where are the checks? A. They have not been used.

Q. Where are they? A. Really, I could not tell you; if any checks of that kind have been used, we would have vouchers for it; I say now, positively, that no check has ever been drawn for any of those numbers specified there; and I take it for granted from that fact.

Q. I show you the next page, the same number, the same words, "All stubs on this page not used—2, 4, 5 checks? A. That account was marked closed, at some time before that; they would not draw any checks if the account had been closed.

Q. Let us see? A. That is in 1890.

Q. This is December 30, 1890? A. Yes, sir.

Q. From check No. 33,485, inclusive, to check No. 35,500, which make 2, 4, 5, 10, 15, 16 checks? A. Yes, sir.

Q. According to the numbers here? A. Yes, sir.

Q. What I want to know is, Mr. McClave, that, inasmuch as there were 16 checks in this book, unused, why were they not drawn in the ordinary way to some payee? A. Supposing the account had been closed, what would be the necessity of drawing them?

Q. If the account had been closed? A. The account had been closed.

Q. The account has been closed? A. Certainly; the Bank of North America account has been closed there; you have got your pass-book there; that explains that very fully, Mr. Goff; we would not draw any checks on an account that had been closed and there was no money in the bank.

By Senator Cantor:

Q. It was the end of the check-book, was it not? A. Yes; the end of the check-book.

By Mr. Goff:

Q. If the account had been closed, the last check being No. 33,484, in this check-book that I have shown you, how is it, that a new book, a new check-book, was opened in the same bank, commencing with 33,501? A. Well, is that after the date—

Q. I don't know about the date? A. If you will permit me to refer to the deposit-book, which shows just exactly; the account was closed in the Bank of North America, which, I think, is some three years ago, or about, that you will find that there is no check drawn after that time in that bank, and if there are some two or three checks in a book there, and it is marked down there that the checks were not used in that

book, and they opened more afterward; I can not understand, except the check-book was about out, and they got a new check-book, and may have commenced it.

Q. The last check was \$3,484? A. And this 33,581?

Q. Yes; what has become of the blank checks? A. They have not been used; that is all; they are marked "not used," and your pass-book would show that.

Q. I want to know, Mr. McClave—you, as a treasurer of a public department, to explain how it is that blank checks should be allowed to disappear? A. Mr. Goff, I want to say to you that I hardly think that a business man, business men; that if, when they got to the tail end of the book, and then had their bank-book balanced, they might take the three or four checks and use them for waste paper, marking on the stub just what was done with them; it is marked on them they were not used; I would like to reiterate distinctly that neither directly nor indirectly have I ever used one penny of the police money in any way, shape or manner for any of my personal accounts; if you will permit me to make that statement over again; and I challenge you or any other man living to show any other fact; I am under bond for \$480,000 to the city for the payment of the police department; I am under direction to pay the policemen; the checks are drawn by the treasurer's bookkeeper, and when he signs those checks, and brings them to me, I sign them; he has charge of the detail work; and I would like to have you put them on the stand; I could not take a dollar, if I wanted to, without having all these other people join with me and aiding me.

Q. Do you know any of the checks belonging to the stub in question were destroyed? A. Personally, I have no knowledge of that; and I prefer that you ask the treasurer's bookkeeper about that; he would know more particularly about that; but if they have ever been used, Mr. Goff, you would have them in the return checks from the bank.

By Mr. Bradley:

Q. Did I understand that upon the ceasing of one account there, you opened a new account in another bank? A. No, sir.

Q. Or is that a continuation of the same account? A. Those appear all to be in the same bank, in the Bank of North America; the account in the Bank of North America was closed, I think, under the direction of the board, some four years ago; at that time, there were some rumors as to its financial position, and the board of commissioners directed the treasurer to take out the money there was there and put it into the Importers and Traders' Bank, which was done.

Q. And in opening this check-book, you started with a new even number? **A.** With new numbers.

By Mr. Goff:

Q. In the same bank; the only point I want to get light upon for the committee is, whether or no, it is a proper practice for a public department in this city that the blank checks should be allowed in the hands of any person excepting responsible officers of that department? **A.** No, sir; it is not; they would not —

Q. They might be? **A.** They would have to forge three or four signatures.

Q. Forgeries have been committed before? **A.** Yes; that is true; but we would get it back again; if a forged check went there, we would get it back among our vouchers.

Q. By the way, speaking of that department and treasury, I might as well touch upon that matter now; there is an annual appropriation made to that department every year? **A.** Yes, sir.

Q. By the board of estimate and apportionment? **A.** Yes, sir.

Q. Can you tell what the increase of that apportionment has been since your term of treasurer of the board? **A.** Well, it has not been very much; I have been treasurer there for about nine years, and I think that the appropriation last year was about \$5,000,000; about \$4,950,000 of that was amounts fixed by the statute law of the State; the balance of it was for supplies and alterations, and repairs, and such things as that; I would state this: I can get at that, I think, better; I have handled, as treasurer, since I have been in the department, nine years and four months, about \$56,400,000, if you divide that in that time; take about \$5,200,000 last year, it would about cover it.

Q. The disbursements of the department are not subject to any auditing officer, but some officer in that department? **A.** You mean now in reference to the supply —

Q. The whole fund? **A.** In reference to the whole fund, of course you understand that the great bulk of that fund goes for the payment of the uniformed members of the force, and we have what is known as time clerks and extension clerks, and sick-time clerks, and all that sort of thing, and each one has his different branches, and filling out the pay-roll, and certifies to the accuracy of that fact; and then there is a treasurer's bookkeeper, and he goes over all the accounts in detail, and puts his check on it, as to whether correct or not; after that is done, a check is made for that pay-roll, and the captain takes it away, and a duplicate copy is sent to the comptroller, and it balances with the comptroller on the 15th of each month.

Q. There are no accounts or claims submitted to the comptroller before they are paid? **A.** Yes; election accounts are paid by the comptroller.

Q. Outside of the election accounts? **A.** Well, there is nothing there, except alterations, and repairs, and horse feed.

Q. Whatever there is there, the department is its own auditing officer, so far as the disbursements are concerned? **A.** Will you permit me to explain, the chairman of the committee on supplies is an auditing officer.

Q. He is a member of the department? **A.** He is a member of the department; it is certified through him by the clerk, who is the clerk of the chairman of the committee on supplies, Mr. Gay; those bills are then brought before the board for final action; the statement is read to the board, the bills are examined by a member of the board, and then, upon resolution, the treasure is directed to pay the separate amounts, and it is approved and indorsed on the back of it, a duplicate copy for the comptroller, one for ourselves as our own voucher, one sent down to the comptroller, and one we keep for ourselves, and on the 15th of the month, we balance the accounts with the comptroller, to see whether both agree.

Q. What I wish you to state to the committee is this; if it be a fact, that outside of your own police department, there is no auditor to pass upon your claims or accounts before being paid? **A.** Well, the comptroller is virtually an auditor, because we have to send him —

Q. But you send to him after the payment is made? **A.** Yes, sir.

Q. I want to know if there is any auditing officer outside of your department, before the payment is made? **A.** I don't know, unless you call the commissioners of accounts; they keep examining the accounts all the time, and they have vouchers.

Q. They come from time to time to examine the accounts? **A.** Yes, sir; the comptroller having looked over the record, sends it to the commissioner of accounts; and the comptroller and commissioner of accounts keep in their books an account precisely the same, as we keep in our books at police headquarters; and on the 15th of each month, we transmit the accounts to each one and see if they agree.

Q. Are you aware there is, in the police department, an official called an auditor? **A.** Yes; an auditor.

Q. And that the auditor is instructed by the law as well as by the comptroller, to audit all accounts from the other departments of the city, before being paid, sent to him? **A.** I do not know, whether or not you could call him the auditor; the auditor sends

us up this money, and he charges up the money before it is sent to us.

Q. That is what I mean; the money is sent to you, and you disburse it, according to what you deem right and proper under your own rules? A. Yes, sir.

Q. What I want to get at is, there is no controlling officer outside of your department to interpose between yourself and the payment of whatever bills you think proper? A. Well, I should say that the comptroller himself was an auditor; I should say the commissioners of accounts were auditors in the case; and I should say the general system we have —

By Chairman Lexow:

Q. The question is, before the payment is made, whether there is anybody who examines your accounts and passes upon them before the payment is made? A. Excepting the members of the police department, the clerks, and chief clerks, and all those, I think not; but they go back to the comptroller afterward.

By Mr. Goff:

Q. So that practically speaking, your department has its own men, and for its own purposes disburse about \$5,000,000 a year, without any auditing officer interfering between or before the payments had been made? A. You may put it in that shape, if you chose.

Q. Is it not a fact? A. In the first place, I want to say that almost all this entire amount is fixed by law of the State; it is simply a mathematical calculation.

By Chairman Lexow:

Q. That is a fact, isn't it; there is no auditing officer before you make the payments? A. I think the treasurer's bookkeeper is an auditing officer.

Q. Outside of the department? A. No; not outside of the department, unless you call the comptroller an auditing officer.

By Mr. Goff:

Q. So far as the comptroller is concerned, he sends you every month one-twelfth of the appropriation? A. Yes, sir.

Q. He does not see the details of that one-twelfth before it is sent? A. No; it is charged to the committee appropriation.

Q. You draw for that one-twelfth every month? A. The comptroller has in his possession the amounts appropriated by the board of estimates and appropriation in detail; now, for

instance, say he has \$5,000,000 or \$5,200,000 appropriated to pay the members of the force, and he draws his check for one-twelfth of that amount, and we credit, and take it to pay our police; the same account—

Q. And you spend that one-twelfth yourself, as a department without any further parley with the comptroller? A. Yes, sir; in conformity with the law.

Q. I am not asking that question at all; I want to get the fact, without the law, as it stands? A. Yes.

Q. And that is pursued every month during the year? A. Yes; they took it some years ago, and put it in the hands of the chamberlain, and then put it back again.

By Senator Saxton:

Q. No officer has anything to do with the expenditure of money outside the police board? A. Yes.

Q. After the appropriation is once made by the board of apportionment, there is no officer, outside the police board, can control the expenditure of the money? A. No; nothing except the report that we have to send to the comptroller.

By Chairman Lexow:

Q. You send it after the expenditure? A. Yes.

Q. Before the expenditure are you accountable to anybody?
A. No, sir; except we have to certify to the amount; I say that in the department that all the money that is expended, there are seven or eight different ones, connected with the department, to certify to the different branches that amount before it comes to the treasurer; you can call it an audit; the audit is kept by the treasurer's bookkeeper.

By Senator Saxton:

Q. The men in the department are under the charge of the police commissioners? A. Yes, sir.

Q. And so, as matter of fact, after the money is procured, no officer has the auditing of it, excepting members of the police board? A. That is right, sir.

By Mr. Goff:

Q. After you sent an account to the comptroller each month, do you send him details? A. Yes, sir.

Q. Duplicate vouchers? A. Yes, sir.

Q. And that ends that transaction? A. That ends that transaction; and he sends us back a balance according to his books, if they agree.

Q. That ends the transaction? A. Yes, sir.

Q. Now, in regard to the matter—we might as well speak of it now—will you please state to the committee how many sub-committees are in existence on the police board, and their duties? A. Yes, sir.

Mr. Nicoll.—We have got all that on the record.

Chairman Lexow.—I think Commissioner Martin testified to that, but if you want the facts out again—

Mr. Goff.—Of course, I had not the pleasure of being here; however, it will do no harm, I think.

The Witness.—Commissioner McLean is the chairman of pensions; he has been the chairman of the committee on pensions for six years. In other words, he examines all applicants for pensions, and recommends to the board as to whether or not a pension should be granted to that one.

By Senator O'Connor:

Q. Is he the sole member of that committee? A. He has absolute control of it.

Q. He is the only member of it? A. The others are members of that committee, but they don't take any part in it. He makes the report under the law; the board of police commissioners are a board of trustees of the pension fund, and all the reports in connection with that matter are made to Commissioner McLean as chairman of that committee.

By Senator Bradley:

Q. He is the whole committee himself? A. Substantially, yes; but he brings those reports before the board of police commissioners acting as a board of trustees and has it acted upon by the board of trustees; I think that is one case; and the next case is the chairman of the committee on supplies, which is Commissioner Sheehan, and he has the charge of the purchasing of the supplies, and the altering and repairing account; and there is the chairman of the committee on elections; I have been the chairman of the committee on elections ever since I have been in the department, for nine years.

By Mr. Goff:

Q. Any other committee of which you are chairman? A. No, sir; I think not.

Q. Some committee has control of contracts? A. All contracts under the law have to be given out by public letting.

Q. By publication? A. Yes, sir.

Q. Do you know of any contracts given out not by publication?

A. I do; for some expenses of election; under the law they were asked to allow expenditures, owing to shortness of time we had.

Q. Any other times? A. There may have been some; but I do not recall them.

Q. Some small things I suppose that the commissioners feel they have to have done in a hurry? A. Well, the question of election expenses is not very small.

Q. But it has to be done rapidly? A. Yes; it has to be done rapidly; in that case the law gives a permission to go before the board of aldermen and with the concurrence of three-fourths vote, approved by the mayor, the commissioners have the privilege of purchasing; and in that case the chairman of the committee on supplies writes and gets estimates from different parties dealing in that material and takes the least of them.

Q. You can say that the election matters are really the only matters that the commissioners ask the board of aldermen to award contracts without publication or without public competition? A. I think that is all; there might have been —

Q. How is the contract about the building of the steamboat Patrol? A. That was awarded by contract, sir; you mean the old Patrol, or the new one?

Q. I mean the new one. A. I think it was.

Q. Awarded how? A. By public letting.

Q. By competition? A. Yes, sir; \$52,000, I think, was the price.

Q. By competition? A. Yes; I think so.

Q. You say that contract was awarded by publication and by competition? A. That is my recollection of it; I know we had a number of bids.

Q. Will you give me the name of the person who bid on that contract — the building of the Patrol? A. I do not know that I can recall the names particularly.

Q. You can recall firms? A. The firm that built the General Meigs for the United States government was one of the parties; they put in a bid; I think that bid was \$68,000.

Q. For the building of the new steamboat Patrol? A. Yes, Patrol; there were three or four others besides them; and they ran along \$60,000 and \$62,000, and the Maryland Steel Works offered to build it for \$52,000, and they got it.

Q. Was that put in after competition? A. Yes, sir.

Q. How much did the Patrol cost? A. Fifty-two thousand dollars.

Q. Who built the Patrol? A. The Maryland Steel Works, at Sparrow Point.

Q. Don't you know that the contract was awarded without advertising or competition? **A.** That is not true, sir.

Q. Was there ever a resolution of the board of aldermen passed with reference to the steamboat Patrol, dispensing with the publication of the contract, and asking for bids? **A.** If there wasn't, what?

Q. Was there ever a resolution of the board of aldermen passed dispensing with the publication first, and competition of that contract? **A.** I said, Mr. Goff, to you, that my recollection of it is, that it did not require that, because it was given out and advertised for public letting.

Q. Will you answer my question? **A.** I am trying to answer it.

Q. Can you state if, to your knowledge, the board of aldermen passed a resolution under the law, as you have stated it, empowering the board of police commissioners to award that contract for the building of the steamboat Patrol without public competition or advertisement of that contract? **A.** I did not say that they did.

By Chairman Lexow:

Q. Will you answer yes or no; we will get through much quicker in the end? **A.** I am asking—

Q. Do you recollect whether they did or not? **A.** My recollection is that it was given out by public contract.

Q. Do you recollect, Mr. Commissioner, whether or not application was made to the board of aldermen to dispense with any public bidding? **A.** No, sir; I don't recollect about it.

Q. Have you any positive recollection on that subject? **A.** My recollection is that the bids and propositions were brought about by public letting; I may be mistaken about that.

Q. You may be mistaken about that? **A.** Yes, I may be; it may be the board of aldermen gave us privilege to purchase without; but we had four or five bids.

Q. Can you state that the board of police ever advertised that contract for competition for the building of that steamboat? **A.** I have stated that I don't recollect positively about that; but that is my recollection.

Q. You don't recollect? **A.** That is my recollection.

Q. Your recollection inclines to the belief that it was awarded by private letting; isn't that a fact? **A.** I remember that we had five or six different bids there in connection with it; the Maryland Steel Works was \$62,000 and they ran up to \$68,000; my recollection is that those bids were brought in by the fact that it was publicly advertised, but I may be mistaken about that;

it may be possible that the board of aldermen were requested to permit us to purchase without letting.

By Senator O'Connor:

Q. Do you remember whether there was a public advertising of the bid? A. I don't recall that.

Q. You remember there were several bids; but you don't know whether it was let or advertising? A. No, sir; I want to state things perfectly accurate.

By Mr. Goff:

Q. I ask you point blank if it is not a fact that the board of police requested the board of aldermen to pass a resolution dispensing with the advertisement of the contract? A. It is possible.

Q. Don't you know as a fact? A. No; but if that was so I was a party to it.

Q. How long is it ago? A. It is not very long; I think within a year.

Q. Don't you think an item of such importance as the expenditure of \$52,000 for the building of a steamboat would fasten itself on your memory somewhat? A. I tell you now what my recollection is about it.

Q. That is what I have been trying to get at? A. That we did advertise; if you have evidence of the fact that we did not advertise I am mistaken, that the board of aldermen had granted that permission.

Q. I want your recollection of it? A. I have given you my best recollection.

Q. Can you state to the committee if there was anything especial about the awarding of such contract that left it open in your recollection now to be awarded by private bid? A. No, sir; there wasn't anything irregular about it in any way.

Q. I did not say anything irregular?. A. Was there anything special?

Q. That is, no special reason for awarding that contract? A. Excepting as a question of perhaps having received a number of bids in reference to the cost of it, and finding one was so much lower than any of the rest, it may have been possible that the board thought it wise to get permission to take that lowest bid.

Q. Will you state that those bids were received after advertisement? A. No, I would not say that; because there is a little doubt in my mind.

Q. If they were not to see after advertisement how did they come to be received privately? A. They were not received privately.

Q. If the public did not know that there was to be a competition for the building of the steamboat Patrol, how is it five or six persons put in bids? A. In cases of that kind, the chairman of the committee on supplies communicates with everybody almost in that line of business, and the commissioners went aboard the General Meigs, which seemed to be about the kind of boat we wanted, and examined it carefully, and had the builder of the Meigs, give an estimate what they would finish and alter that for, and that bid I think was \$68,000; the board of estimates had only appropriated \$55,000 for that purpose, and consequently we could not buy it, so got the very best bid, and got the American Steel people to bid \$52,000, and they claim that they lost \$10,000 on it.

Q. Is this the situation, that after the board of commissioners had private communications? A. No private communications at all; we did not have any private communications at all.

Q. That after the commissioners by private communications obtained private bids for the building of a steamboat that the board appealed to the board of aldermen for authority to award that to private contract without public competition is that the fact? A. I want to—there is nothing private about it; after the chairman of the committee on supplies brings to the board of police commissioners such a report, and a kind of record it made on the minutes, and it is published in the newspaper.

Q. I have used the term published for the great mass of people outside of the executive session of the police department commissioners; there are only four of you, and you are not the public; now, I ask the question to be repeated again?

By Senator O'Connor:

Q. Won't the record of the department show what was done; this seems to take up time? A. Well, with the understanding that Mr. Goff understands that I make the statement that there was nothing private about it; there was no private communication; it was of public and open board in the board meeting; it is possible the board of aldermen may have given us that privilege; the bid was \$10,000 lower than any other bid we could get.

Q. Now, speaking of contracts of election matters, what are those contracts? A. The contracts are for the stationery, or the necessary paraphernalia, in conducting the election, such as the books of registration, and the instructions to the inspectors,

what is known as the manual, and the circulars that are put up in German and Italian and English.

Q. You know just exactly what you have to furnish inspectors and other officials, don't you? A. Yes, sir; it is advertised and given out by public contract.

Q. I understand you to say that these matters were awarded by private contract—election matters? A. Oh, no; you don't understand me correctly; I did not make that statement; I say that the balance are usually purchased from private parties, without public letting, owing to the fact that we have only six days, under the law, after the filing of nominations to have from twelve to fifteen millions of ballots printed, and we have no time to advertise them.

Q. And the private letting has gone to one firm for several years? A. Yes; because he was the lowest bidder.

Q. Anything else connected with the election machinery that it awarded by private contract? A. I don't recall anything else.

Q. Who puts up the election booths? A. The small election booths?

Q. Yes. A. We have not bought in any since the year when the ballot law was passed; we had occasion to buy five or six thousand of them; Mr. Voorhees was the chairman of the committee on supplies, and he secured them.

Q. Who supplies those booths? A. Some man in Brooklyn made them; I don't remember his name; if I heard his name, I should remember it, but I don't recall it just at the moment.

Q. Did the American Lumber Company ever furnish any of those election machinery matters? A. No, sir.

Q. Did they ever furnish anything to the department for the election machinery? A. Yes, sir.

Q. Do you know anything about the American Lumber Company? A. Is that the company that a man of the name of Grant was in, from Philadelphia? I don't know them personally.

Q. It is the company of which Sam Cox, the son, is manager. A. I don't know.

Q. Do you know any lumber company around One Hundred and Twenty-third street and Avenue A that furnished any lumber or other material to the police department for anything? A. I don't think they furnished a dollar's worth; I make that statement that they never did; I think if they had I would have recollected it.

Q. Do you remember the building of these polling-booths in streets where quarters can not be obtained in private houses? A. That is what they call portable buildings?

- Q. Yes? A. Yes, sir; I recollect those very well.
- Q. Who built those? A. Well, I don't just recall his name; but I know about where his place is; it is on Eighth avenue, about Thirtieth street; he has been in the business there a great many years, and the price he charged is \$100 apiece for them.
- Q. Do you know how much they cost to produce? A. I am a lumber dealer, and I have 30 odd years experience, and can make some calculation, and I don't think it is possible to make \$10 apiece on them; I don't think you could.
- Q. What is his name—Lynch? A. No, sir; that is not his name; John Lynch is a lumber dealer right across the way from me.
- Q. Do you use his trucks frequently? A. Never in my life.
- Q. No furnishing of lumber to Mr. Crimmins' contract? Whose trucks carried the material out of the yards? A. My own.
- Q. You furnished the lumber to the Crimmins' contract? A. Yes, sir; John D. Crimmins; I furnished the lumber to him.
- Q. He buys quite frequently from you? A. Yes.
- Q. And you also furnish lumber to the New York Elevated Railroad. A. I did for the time I was the lowest bidder; I have not sold them much for two or three years; they have got it down so low I can not touch them.
- Q. Were you in the department when Jordan L. Mott furnished plumbing in the department? A. I don't know that he furnished much; he sells some to the department now.
- Q. Does he sell them any now? A. Yes, sir.
- Q. How much? A. We did not use very much; probably the whole amount don't amount to more than \$3,000 or \$4,000 a year.
- Q. When did Jordan L. Mott have a three or four thousand dollar account with your department, during the last four or five years? A. I should think two or three times.
- Q. Give every person furnishing plumbing work? A. Mr. Higgins furnished some.
- Q. A good deal, didn't he? A. No.
- Q. He put in all the stoves? A. He put in an estimate for them to the committee on supplies, and it amounted to \$140 or \$150.
- Q. He never had anything to do with the department until he married your daughter? A. No, sir.
- Q. He was a journeyman plumber, wasn't he? A. No; he had been in business on Fourth avenue; he has been in business for himself 15 years; he succeeded his father; he has been in business in Fourth avenue between Twenty-sixth and Twenty-seventh streets.

Q. And up to that time you did not know him as furnishing contract work for the city? A. No, sir.

Q. After he married your daughter he blossomed out as a contractor? A. He is not a contractor; he did not supply the department, I should not say over \$2,000; in the course of the year, and that is very largely made up around election time when they have these little stoves in the booths, and he put in an estimate, and he was lower, something like \$2.50; that didn't amount to enough for public competition.

Q. And you as treasurer of that board, you passed upon your son-in-law's vouchers and accounts? A. By recommendation of the chairman of the committee on supplies; I do not think there is any crime in it either, as long as it is fair.

Q. You regard it as entirely proper? A. Absolutely fair, sir.

Q. You recognize the existence of that law? A. He takes no advantage of the fact; he is a business man.

Q. You recognize the existence of the law prohibiting an officer being interested or when any of his family; you recognize the existence of that law prohibiting any city official or member of his family from being interested in city contracts? A. I do not think there is any such law as that; I think the law is —

Q. Would it surprise you to be told there is? A. I think you have got it a little wrong.

Q. Would it surprise you to be told there was such a law? A. Yes, sir.

Mr. Nicoll.— It would surprise everybody. The law is that no officer of the city government shall be interested in a city contract. There is nothing about his mother, or sister, or cousin, or his aunt.

By Mr. Goff:

Q. Then, if there be not anything about the sister, or cousin, or aunt in the law, there ought to be.

Mr. Nicoll.— Then appeal to this committee.

Mr. Goff.— That is what we are doing.

Mr. Nicoll.— It gives great scope for legislation.

By Mr. Goff:

Q. In May, 1887, how many years had you been police commissioner; I have forgotten the date? A. I was appointed first on the 24th of November, 1884.

Q. You had been three years then? A. Yes, sir.

Q. Where did you live then? A. I think I lived at 156 West Seventy-second street; that is my recollection of it.

Q. When you were appointed? A. I rather think so; it may have been I was at Forty-seventh street; it was about the time I moved to Seventy-second street.

Q. In 1887 you bought the house 156 West Seventy-second street for \$55,000? A. No; I did not.

Q. When did you buy it? A. No; I did not, either.

Q. When; you have got things a little mixed up? A. I bought it in 1883.

Q. For \$55,000? A. No; I paid \$44,000.

Q. You mean 156 West Seventy-second street? A. Yes; I told you what I got in the selling of it; I lived at 124 West Seventy-second street; you have got the selling time, I guess.

Q. Didn't you take a mortgage on that house for \$45,000 when you sold it? A. No.

Q. Didn't you take a mortgage on this? A. No, sir; I did not.

Q. Did you sell it outright? A. House 124 West Seventy-second street had a mortgage of \$45,000 on it, held by the New York Life Insurance Company.

Q. That is the one you are living in now? A. Yes.

Q. What is the price of that, altogether? A. Seventy-seven thousand dollars.

Q. And when did you buy your place up in Connecticut? A. I bought it a year ago last Friday.

Q. How much did you pay for that? A. That cost me between \$50,000 and \$55,000.

Q. Did you ever say that place cost you in the neighborhood of \$130,000 altogether? A. I never made any such statement to any living soul.

Q. Do you know Mr. Parks, of Hass Brothers? A. What is his business; William A. Park, do you mean?

Mr. Nicoll.—Spell it, please.

Mr. McClave.—I think I understand Mr. Goff. You say Mr. Park. You said Park Brothers. I do not know such people.

Q. I said Park, working with Haas Brothers? A. I don't know him; I have never seen him.

Q. You mean the party that decorated your house? A. It is D. S. Hess & Company; Mr. Park is with them.

Q. You know Park now? A. Yes, sir.

Q. And you bought that house for \$82,000? A. I don't say so.

Q. What is the figure? A. Seventy thousand dollars.

Q. And yet you bought that house for \$70,000 away in 1892, wasn't it? A. Yes; that is right; 1892.

Q. And what year did you buy your place in Connecticut? A. I bought it within about a year.

Q. In 1893, was it? A. Yes, sir.

Q. How was your business in 1894? A. The nature of my business?

Q. How much did you have in the lumber business? A. I had about \$500,000.

Q. That year? A. Yes.

Q. What was your loss that year? A. I don't think I had any loss at all.

Q. Hadn't you \$11,000 loss that year? A. Oh, no.

Q. You say your books will not show that? A. They will not show anything of the kind.

Q. You have a yearly balance I presume of your account? A. Yes, sir; I told you what I think about that; I think that if you could call upon the adjusters to examine the relics of the books which were left from the fire showing the profits of my business for the year 1892, you would find it was upwards of \$100,000, not a loss of \$11,000.

Q. That is, the relics of your books? A. Yes; from the fire of 1892.

Q. I understand when you were examined on the question to-day that they were all destroyed? A. Not all of them.

Q. The vouchers were destroyed? A. These books of 1892 were in the safe at the time of the fire in the back office; they were an old set of books that had been closed up in 1892; a new set of books were opened in September, and when they came to make an adjustment of that loss it was necessary to get those books to get their figures; according to their own statement at that time they showed my profit to be \$113,000.

Q. Was that the year you went to California? A. No, sir; I think that was only three years ago; I went to California about four or five years ago.

Q. In whose private car did you go? A. I never rode in one in my life.

Q. Did you go as a guest of any one? A. No, sir; bought my tickets, and paid my way.

Q. Who accompanied you? A. My wife and five children.

Q. Who conducted your business while you were away? A. I had three sons, one 37, another 26 and the other 23 years old in my office.

Q. Did they conduct your business? A. Yes, sir; they are fully competent to do it too.

Q. Do you know a man by the name of Joe Cohen? A. I have no recollection of such a name.

Q. Did you ever appoint a man of that name on the police

force? A. I would not like to say I have or have not; I do not remember a name of that kind.

Q. You can not remember the name of any one that you appointed by that name? A. I can not recall them; I suppose I have appointed a thousand men since I have been in the department.

Q. By the way, commissioner, as to the number of appointments, each commissioner has a share allotted to him, hasn't he?

A. Under a sort of custom that has been in the department for a number of years they sort of rotate about making their appointments.

Q. Each commissioner is assigned a number of appointments? A. Suppose you had a vacancy of roundsman, we would have the same number.

Q. You divided up? A. There is no direct understanding, but it is informally understood; it is a matter of fairness that they simply rotate in making nominations.

Q. It is practically so is it? A. Practically so.

Q. You make your requisitions on the civil service commissioners for 100 men? A. That would give 150 names.

Q. You would make a requisition for a hundred men? A. I suppose so.

Q. How is that hundred disposed of? A. That would give 150 names to make the selection of 100 from.

Q. What system did you adopt in selecting the 100 from the 150? A. Well the system that I adopt as a rule, for instance, supposing there is a man upon that list, and he comes to me recommended by somebody I know, or by employers in business as being a worthy man and has reason to believe he would make a worthy officer I then take that man before the board of police commissioners, and state that he is on the eligible list, his percentage is so and so, and he is a candidate for appointment, and they examine him, and if there is no objection to him a vote is taken and he is appointed.

Q. Are you influenced by his percentage on the list, or by his recommendation? A. Well, there is that little variation on that list; for instance, suppose you take a hundred names, I do not think you will find a variation in a hundred names, of three per cent. according to their method.

Q. After you use 100 of the 150 names what do you do when the next requisition comes? A. We notify the civil service board of the fact of the appointment of the 100, and when we call for the other list that 50 comes back to us again.

Q. But you do not appoint out of that 50 until you get a new hundred with that 50? A. That is right, sir.

Q. If there be 150 eligible names sent to you by the civil service commissioners you appoint 100 out of that 150; why don't you exhaust the remaining 50 before you make the remaining requisition? **A.** Because they won't allow us to do it under the Civil Service Law.

Q. Will you point out a rule that would prevent your doing it? **A.** There is in the board of police department, and I recall it very distinctly because the question has arisen within three or four weeks; the civil service examiner has given us an official opinion that when the number required by the requisition had been filled, that we could take no further names from that requisition; that if we required anything additional to that we must make a new requisition, and they would send us a new list; that is the opinion of the civil service board.

By Chairman Lexow:

Q. Then Mr. McClave, those 50 that were not appointed out of the first requisition may be carried on from one requisition to another, and not a single one of those 50 at any time be appointed; is that a fact? **A.** Such a thing could not possibly be; it is hardly possibly.

Q. It is possible? **A.** Yes, such a thing is possible; if you want my opinion of the Civil Service Law I do not hesitate to give it to you.

Q. To whom do applicants or appointments to the position of patrolman first apply? **A.** Some to the commissioners and some to the civil service examining board.

Q. Do they not apply to the individual commissioners? **A.** Some of them to individual commissioners with letters of introduction from one we know making application; last year I think all told there were 1,200 applied and got 200.

Q. Isn't that application addressed to some individual commissioner in the first place? **A.** Yes, sir.

Q. So that parties who had recommendations to you, their applications would be addressed to Hon. John McClave? **A.** Yes; I take it for granted it is so with the other commissioners.

Q. That is a fact so far as you know? **A.** So far as I know.

Q. What do you do with it when that application is received? **A.** Which, the letters?

Q. No, the application? **A.** The application is in the form of a letter, one or more letters coming to the commissioners asking that opportunity may be given to the applicant to enter into a competitive examination for the position of patrolman; the commissioner then examines him as to his age, height, general condition, and if he has reasons to believe that he would make a

proper applicant for the police force, he then has him write a letter in his own hand-writing, making application; he fills up a blank which is prepared by the department and then goes to the surgeons for physical examination; they meet every Monday for that purpose; the surgeons, after they examine him, they certify by certificate if he is all right or not; if he is not all right, they reject him; if he is all right, they make an affidavit to that effect; then he is certified to by five men who have known him for not less than five years; after that is done, these papers are filed with the civil service board, and we hear nothing from them unless they come upon the list.

Q. Did you ever receive a check from Captain Max Schmittberger? A. No, sir; why should I do that?

Q. Did you? A. No, sir; never in my life.

Q. You never received a check from him or any other person? A. No, sir, and I challenge you or any other person to prove it; I don't know why you throw out an insinuation in reference to that.

By Mr. Goff.—I do not see any reason for your becoming indignant about it.

Senator Saxton.—Do you regard that as an insinuation?

Mr. Nicoll.—Yes; the whole course of this counsel has been one long insinuation without an atom of proof.

Witness.—I will answer your question, however, by saying absolutely and unqualifiedly, no; I suppose that is what you want?

Chairman Lexow.—We can not control the tone of the voice and the exact wording.

Mr. Nicoll.—Can not you control your own counsel?

Chairman Lexow.—Yes, but we can not tell him how to choose his words.

Witness.—I want to say that I never recommended Captain Schmittberger for appointment; he was not recommended by me.

Q. I know he wasn't; in other words you did not appoint him?

A. I had nothing to do with him excepting to vote for him, on the recommendation of Mr. Voorhis.

Q. Mr. Voorhis appointed him? A. Yes, sir; he recommended him, and I thought he was a very good man.

Q. You did appoint Captain Price? A. Yes, sir.

Q. And Captain Westervelt? A. Yes, sir; I think I did.

Q. And Captain Martens? A. Yes, sir.

Q. And Captain Straus? A. Yes, sir.

Q. And Captain Stephenson? A. Yes, sir.

Q. Five captains? A. That takes us back 10 years; yes, sir.

Q. Did you take into consideration the politics of the gentlemen named, in appointing the captains? A. Will you allow me to refer to memoranda?

Q. Yes, sir; certainly.

Mr. Nicoll—Did you appoint Captain Westervelt, or Commissioner French? **A.** I don't remember exactly, it is a good while ago; must be eight or nine years ago; I don't just remember; I think I recommended him, but I am not sure about that; I am sorry to detain you, Mr. Goff; you asked me about who, Captain Price?

Q. Any of the captains I have mentioned? **A.** In the case of Captain Price, he was recommended to me first by 35 business men, in the nineteenth precinct, taking in such stores as Arnold Constable & Co., Stearns Brothers, and Park & Tilford, and all the hotels and theaters.

Q. Any other houses in the precinct that recommended his appointment? **A.** A very large number of business houses in the precinct, all large business men.

Q. What is the nature of the business generally? **A.** Dry-goods generally; no liquor saloons or anything of that kind.

Q. There were not? **A.** No, sir; then by Mr. McClellan, president of the Mutual Bank; Charles H. Taintor; also the president of the Garfield Bank; and Mr. Wannamaker.

Q. What is Mr. Wannamaker's business? **A.** In the lumber business; he is president of the Republican Association of the Seventeenth Assembly district, and Mr. Jacobus and Mr. Gresham, president of the Republican Association in the Fifteenth district; Judge Beach; Mr. Bellamy, secretary of the Republican committee.

Q. There are no liquor stores or any other kind of houses? **A.** No, sir.

Q. When did you make that memorandum? **A.** I say no liquor stores, no; I said business houses; they were all business houses; I would be very glad to show you the petition and letters; I have them.

Q. When did you make that? **A.** I made this along this winter sometime.

Q. In the appointment of Captain Price, did political considerations prevail? **A.** Well, I say the only possible way in which I could tell just what a man's political views were at all, if I was looking after that, would be guided by the nature of the letters, which came in reference to him.

Q. You mean to say, you did not know what his politics were before you appointed him? **A.** I had reason to believe that he was always a Republican; although he had never spoken to me about his politics.

Q. Do you know that he is a member of the Democratic club in his district? **A.** No, sir.

Q. Don't you know he is a member of the Pequod Club? A. No, sir.

Q. Didn't you hear it? A. I saw something in the paper about it.

Q. You appointed him as a Republican? A. Yes, and I guess he is one, without a doubt; I have understood that he claimed it was a social club and not a political club.

Q. Captain Price claimed—? A. In a general sense, Captain Price was known for a great many years as being a rabid, dyed in the wool Republican; Mr. Brookfield is one of the strongest indorsers for appointment.

Q. Captain Price, who is a member of the Pequod Club, a Tammany Hall organization of the Thirteenth district, is a Republican of the most pronounced and rabid stripe? A. He formerly was.

Q. Then he has been converted? A. I believe he votes the Republican ticket now; that is my honest conviction.

Q. Captain Westervelt? A. He is another old time Republican under Captain Williams.

Q. Do you know that he belongs to the Pequod Club? A. No, sir.

Q. Do you know that he is a member of a Democratic club of the Tammany organization? A. No, sir.

Q. This is the first time you heard it? A. Yes, sir.

By Mr. Nicoll:

Q. Have you his appointment there? A. I don't think so; I think there are 17 out of the 35 Republicans to-day; I believe half of the police captains of the city vote the Republican ticket; have done so in the past; what they may be in the future, I don't know.

Q. They are supposed to treat their Tammany conferees the same as you do yours in your department? A. In what respect do you mean?

Q. You said the other day you always voted with your Tammany commissioners? A. I said I did not believe it would be a part of my duty as a commissioner to go in that board as an obstructionist, without any ground for it; I had never known any of my colleagues to do an unfair thing.

Mr. Goff.—I would like to suspend the examination of the witness, at this point, if the committee please.

Chairman Lexow.—Very well; will Mr. McClave kindly step down for the present.

Granger, Gideon, being called as a witness, duly sworn and examined, testified as follows:

Q. You are a son-in-law of Mr. McClave? A. I was; I don't know whether I am yet.

Q. You are the man to whom he referred here to-day? A. I don't know; I did not hear him refer to anything.

Q. He referred to a man who had married his daughter, and who had marital difficulties in his family? A. I am that person; I am the only one whom I know of in that regard.

Q. He referred to a man by the name of Granger who married his daughter and then 30 days after his marriage showed himself to be a forger and scoundrel; are you that man? A. I am the only Granger who married into the McClave family.

Q. You draw a line at the forger and scoundrel part of it? A. Yes, sir.

Q. When did you marry Miss McClave? A. Married before Dr. Sanders on the 31st day of December, 1887.

Q. How old were you then? A. Twenty-four, I think.

Q. Were you a resident of the city of New York, at that time? A. Yes, sir.

Q. What was your business? A. At that time?

Q. Yes, sir. A. Produce commission business.

Q. Where employed? A. I was in business for myself, at 145 West street.

Q. Were you alone in business or connected with anybody else? A. I was alone, but had desk room with George W. Judd, who is still in business.

Q. How long did you remain in connection with Mr. Judd? A. Until 1889, I think.

Q. Mr. McClave has sworn here to-day that he never received a check signed by George H. Judd for the sum of \$250, payable to his order; do you know whether such statement is true or not? A. I know he received a check.

Q. From Judd? A. Yes, sir; but I don't know whether it was for \$250 or \$200; it was either one or the other.

Q. How do you know he received that check? A. Because I took it up to him.

Q. Did you see Mr. Judd write the check? A. Yes, sir—no, sir; Mr. Judd did not write the check; he signed it; the book-keeper, W. P. Dixon, wrote it.

Q. To whose order was that check made payable? A. John McClave.

Q. Do you know what that check was for? A. It was either \$250 or \$200.

Q. Do you know what the consideration was; what was the money paid for; did Mr. Judd owe Mr. McClave money? A. No; I don't think Mr. Judd did; I did.

Q. Was that check in payment of a debt that you owed to Mr. McClave? A. No, sir; because the check was from Mr. Judd.

Q. What was the check for? A. Well—

Senator O'Connor.—Do you know what it was for?

A. Well, it was for—

Q. Do you know? A. No, sir; I don't know.

Senator Bradley.—You were just going to say what it was for, and you drew back. A. No; I don't know what it was for.

Q. Had Mr. Judd and Mr. McClave any connection in relation to that check, or any other check? A. No, sir.

Q. What did you say to Mr. McClave, when you handed him that check? A. I said, "Here is the money that we promised to pay you."

Q. That who promised to pay? A. That "we;" I think I used the word.

Q. Whom do you mean by "we?" A. I meant myself, and a man by the name of Cooper.

Q. Who was Cooper? A. He was a man that was connected with us in business in a certain way.

Q. How did Cooper come to owe him any money? A. I don't think Cooper did owe him any money; in fact, I know he did not.

Q. Why did you include Cooper, as here is the money "we promised you?" A. Because I was indebted to Cooper, I think, more than anything else.

Q. You were indebted to Cooper? A. Yes, sir.

Q. Was Cooper connected with Judd? A. No, sir.

Q. Where did Cooper live? A. Whitehouse, New Jersey.

Q. Was Cooper an applicant to get on the police force? A. Yes, sir.

Q. Was that check which you handed to Mr. McClave in consideration of Cooper's getting on the police force? A. Yes, sir.

Q. The amount of money? A. No, sir; I don't think it was.

Q. Did he pay anything, as far as you know, to get on the police force? A. Yes, sir; I know that he did.

Q. How much did he pay? A. He paid \$250.

Q. To whom did he pay it? A. He gave me \$50 of it.

Q. To whom did he give the other portion? A. He gave the other part to W. P. Dixon, our bookkeeper.

Q. What did W. P. Dixon do with it? A. Deposited in the bank to the credit of George W. Judd.

Q. And then George W. Judd drew his check to Mr. McClave's order? A. Yes, sir.

Q. In equivalent of the money deposited by the bookkeeper?

A. I don't know whether it was in equivalent to that or not.

Q. It was to represent it? A. It was the same amount.

Q. Don't you know that was the understanding? A. Yes, sir; I think it was.

Q. It was the understanding that the money should be paid in that way, was it not? A. That was the understanding.

Q. And you gave it to Mr. McClave, stating to him that "there is the money that he is to get according to arrangement? A. No, sir; I took the check up myself; I said to him that I was sorry I could not get the money before, but business was that way that I could not.

Q. Did Mr. Cooper get his appointment? A. Yes, sir; he is on the force now.

Q. Do you know what precinct he is in? A. No, sir.

Q. Did you ever see him after? A. Yes, sir.

Q. Do you know how soon his appointment was made after this money was paid? A. No; I could not say that.

Q. Did McClave say anything to you when you handed him the check? A. No, sir; I don't think he did; I know he did not.

Q. Do you know where that check is? A. Well, there are some men, I believe, looking for it at George W. Judd's store.

Senator Bradley.—Do you know where it is? A. No, sir.

By Mr. Goff:

Q. Where did you last see it? A. When I left Judd's.

Q. Had it returned from McClave when you last saw it? A. Yes, sir.

Q. As a voucher? A. Yes, sir.

Q. Did you see Mr. McClave's signature on the back of that check? A. Yes, sir.

Q. In Judd's possession? A. Yes, sir.

Q. Do you know whether Mr. McClave deposited that check in his bank or in any of his banks? A. Yes, sir; of course he deposited it in his bank.

Q. Do you know a man by the name of August Dux, a butcher? A. Yes, sir.

Q. Nine hundred and fifteen Eighth avenue? A. Yes, sir.

Q. Mr. McClave has sworn here to-day on the stand that he never received a check from August Dux; can you state whether that is true or untrue? A. I know the existence of a check from August Dux for \$300, and Mr. McClave's signature on it.

Q. Who delivered that check from August Dux to Mr. McClave? A. George Richards, now dead.

Q. Who was he? A. I think Mr. McClave will remember, himself, of Dux coming to his house one evening and inquiring about the check.

Q. After the check was given? A. Yes, sir.

Q. Mr. McClave has sworn here to-day that he did not know of such a man by the name of August Dux; is that true or untrue?
 A. Well, he may have forgotten; I know that he knows the man, because I introduced him to him myself, in his front parlor.

Q. Do you know what bank that check was drawn upon? A. Fifth Avenue Bank.

Q. Do you know the date of it? A. May 17th.

Q. Do you know the date of it? A. May 17th; I don't know the year.

Q. Do you know the number of it? A. Two hundred and fifteen, blue letters.

Senator Lexow.—That is the number of the check?

A. Yes, sir.

By Mr. Goff:

Q. When did you last see it? A. Two weeks ago.

Q. In whose possession? A. A man by the name of Dorsey.

Q. Did you recognize Mr. McClave's signature on that check?
 A. Yes, sir; I told him he better burn it up.

Q. Told who? A. Told Dorsey.

Q. You apprehended this investigation going on, didn't you?
 A. Well, yes; I apprehended it, but then the amount of the check and what he told me it was for, I did not quite believe it was so.

Q. Did you recognize Mr. McClave's endorsement on the back of the check? A. Yes, sir; I did.

Q. Who handed that check to Mr. McClave? A. Well, that I can't tell who handed that to him.

Q. Did you have any conversation with Mr. McClave about the subject-matter of that check, about the \$300? A. Yes, sir; I told him that this man who had to pay this \$300 was either a brother or brother-in-law of Mr. Dux and he was a man who could ill-afford to loose the money.

Q. Was the man who put up the \$300 a candidate for appointment on the police force? A. Yes, sir.

Senator O'Connor.—The man who put up the money or Mr. Dux? A. It was Mr. Dux's check, and the man who was to be appointed was either Mr. Dux's brother or brother-in-law, which I don't know.

Q. He was an applicant for a place on the police force? A. Yes.

Senator Lexow.—Is it a man by the name of Phillips? A. I don't think it was.

Q. Who was the man who put up the money? A. I don't know, and I don't know that the man was put on the police force.

Q. What took place between you and Mr. McClave on this

matter? A. He said he didn't think the money had been put up; I said I am quite positive that it has been put up; it was put up in George Richards' hands; Mr. McClave said, "If Dux put up any money in George Richards' hands, he was a damn fool."

Q. Who was George Richards, at that time? A. George Richards, I think, was a roundsman or patrolman in the police department.

Q. Was he attached to headquarters or to any precinct? A. Well, at the time that I had the conversation with Mr. McClave about it, I think he was doing patrol duty, or was assigned as a ward detective, or something like that.

Q. Do you know anything about whether the man who put up the money was appointed or not? A. I don't think that he was.

Q. Was the name of that man from New Jersey, while I think of it, Frederick G. Cook? A. No, sir; Cooper.

Q. Frederick G. Cooper? A. Yes, sir.

Senator Saxton.—Did the witness state when that transaction was? A. In 1888, latter part of January, 1888.

Q. Soon after you were married? A. Yes, sir.

Senator Lexow.—How long after you were married? A. Within four weeks; I was married the last day of the month, 1887, the last day of the year.

By Mr. Goff:

Q. Did you ever hear this George Richards called McClave's orderly? A. Yes, sir; called frequently.

Q. He used to do duty at McClave's office at headquarters? A. Well, he did the same duty there that his other man does there now.

Q. Who is the man now? A. Barnes.

Q. Does he stand at the door? A. He has a desk outside at the entrance of Mr. Grant's office.

Q. Who is Mr. Grant? A. Mr. McClave's private secretary.

Q. What is his first name? A. Charles Grant.

Q. Do you know if that George Richards ever made a promissory note to Mr. McClave? A. Yes, sir; he did.

Q. Do you remember the amount? A. It is \$350, I think.

Q. What was that for? A. George Richards told me it was for an appointment, but I afterwards found it was for betting on horse races; I don't mean Mr. McClave's betting, I mean Richards' betting.

Q. But he gave the note; he got the money from Mr McClave? A. Yes, sir.

Q. Who indorsed that note? A. This man Dorsey.

Q. Has he that note in his possession? A. Yes, sir; at 414 West Fifty-fourth street.

Q. Did you ever see a check from Max Schmittberger, in Mr. McClave's possession? A. No, sir; I did not see a check.

Q. Do you know anything about it? A. I heard there was one.

Q. Did you ever see one? A. No, sir.

Q. Did you ever hear that he made a check to the order of Richard Mott? A. Yes, sir.

Q. For what amount? A. Three thousand dollars.

Q. Do you remember when that was made? A. Eighteen hundred and eighty-nine, I think.

Q. Do you remember any particular occasion, was it when Schmittberger was appointed?

Mr. Nicoll objects to this line of inquiry, as not within the scope of the investigation or resolution.

Senator Lexow.—If that is the only objection, we will pass upon it very quickly by overruling it. We have a right to inquire into any question on corruption, and this comes within the general head of corruption, if it is true.

By Mr. Goff:

Q. Will you state all you know about that check of Captain Schmittberger? A. That is all I know; that day that he was appointed, or rather I don't know whether he was appointed that day or not; I know the day that he was assigned to the first precinct, steamboat squad, pier A; he passed by my store and I congratulated him; it was the following week that I heard rumors uptown.—

Mr. Nicoll objects.

Q. We do not want to hear rumors? A. That is all I know.

Senator Lexow.—Then the objection will be sustained.

Q. Did you ever see Mr. Mott in reference to the matter? A. No, sir.

Q. Did you ever talk with Mr. McClave in reference to the matter? A. No, sir.

Q. Do you mean to say that you did not hand that check to Mr. McClave? A. Yes, sir.

Q. You did not? A. No, sir; I did not.

Q. Do you know an officer by the name of Joe Cohn? A. No, sir.

Q. Did you know him? A. No, sir; I know his brother Sol Cohn.

Q. You know of his brother Joe? A. Yes, sir.

Q. Do you know of his application to get on the police force? A. Yes, sir.

Q. Will you state what you know about it? A. I know he was appointed.

Q. Anything else? A. I know it cost him \$205 to be appointed.

Q. To whom was that money paid? A. Well, \$30 of it went to the doctors' room; when he went up to the doctors, some way or other; he was half an inch too small.

By Mr. Nicoll:

Q. Did you see the \$30 paid? A. Yes, sir; it was paid to me and I sent it up to headquarters.

By Mr. Goff:

Q. It was not sent to Mr. McClave though, the \$30? A. No, sir.

Q. What was the balance of the sum? A. One hundred and seventy-five was the balance.

Q. Where did that go? A. That was left at police headquarters in an envelope.

Q. Who left it there? A. I did.

Q. With whom did you leave it? A. I left it on George Richards' desk.

Q. Were there any directions on the envelope? A. No, sir; only "important and valuable."

Q. Did George Richards know to whom to deliver that envelope? A. He told me afterward he gave it to Mr. McClave, whether he did or not, I do not know.

Q. Did you go there with your envelope with any understanding as to why you should take it to police headquarters? A. Well, this man was not up to the requirements of law to be made a policeman.

Q. You mean physical requirements, size? A. Yes, sir; he was under height; I think there was half an inch difference or something.

Q. Was he not rejected at first on that account? A. Yes.

Q. That was before the \$30 went up? A. Yes, sir.

Q. And after the \$30 went to the surgeon, he grew half an inch higher? A. Yes, sir.

Q. Did you converse with any person about the failure of Cohn to pass on account of his inability to reach the standard height? A. No, sir; only his brother; his brother said if it could be fixed, he was willing to pay the money.

Q. Was there anything said to you about your knowledge of police methods, or his knowledge of police methods that he ought to know better than to expect the surgeon to pass him when he was under size, except for a consideration? A. I don't know — I know that something was said about ought to know better than go before the doctors, if he was under size, but I don't think anything was said about fixing the business at all; in fact I know there was not.

Q. How did you come to get the \$175? A. His brother Joe Cohn gave it to me.

Q. What did he give it to you for? A. Because he had been appointed after he passed the doctors.

Q. Did he give it to you for your own use? A. No, sir.

Q. For whose use did he give it to you? A. I don't know whose use he gave it to me for; it was given as the money —

Senator Bradley.—Did he say when he gave it to you, what did he say? A. He said, "Here is the money that you say it will cost."

Q. Did he understand that you had relations with Commissioner McClave to secure the appointment.

Mr. Nicoll objects.

Q. Did you say anything to him, or he to you about to whom this money should go or your relations with Mr. McClave? A. No, sir; I told him that father had said that if he passed the doctors successfully, that he would appoint him.

Q. Was there anything said about money? A. Between McClave and myself?

Q. No, between yourself and Mr. Cohn, the brother? A. He said, "Whatever it costs, I will fix."

Q. Did you tell him that there would be a cost? A. No, sir.

Q. How did he know there would be a cost? A. It is a foregone conclusion, I guess.

Q. It is an established custom and practice, is that it?

Mr. Nicoll.—I move to strike out any such assertion by counsel as that.

Senator Lexow.—Does the witness know anything about the habits and customs of the police board or police department; can you speak with reference to the customs and habits pertaining there? A. No, I cannot speak; all I know is that it is an open fact; it is generally known through the community that it takes so much money to be a policeman.

By Mr. Goff:

Q. Do you remember the appointment of a man by the name of Edward McDonald, who was foreman of the Erie docks? A. I do not think he was appointed, he was not the last time I heard from him.

Q. Is there anything about his application for appointment? A. In money matters, you mean.

Q. Yes, sir. A. Yes, sir; United States Senator Lapham's son, Charley Lapham, of Canandaigua, was the backer for him, through John Raines, who was Congressman, who was at one time member of the Senate; I had several letters from them about him, and he also failed to pass the doctors, and finally did.

Q. Was Mr. McClave here in New York at that time, or in

California? A. When McDonald first made his application, he was in California; his son, Steve McClave, was the man who made the application for McDonald, but on that application McDonald did not pass.

Q. Was there any money accompanying that application?
A. No, sir.

Q. And he did not pass? A. No, sir; he did not pass on that application.

Q. Did he make any other application? A. Yes, sir.

Q. Was there any money accompanying the second application? A. There was a draft sent from Canandaigua for \$50.

Q. Who sent the draft? A. C. B. Lapham.

Q. This gentleman you have spoken of? A. Yes, sir.

Q. What was that to be used for? A. The doctors, as I understood it.

Q. What became of that draft—when you say doctors, you mean the police surgeon? A. Yes, sir.

Q. What became of the draft? A. I don't know what has become of that draft.

Q. When did you last see it? A. Well, I saw the draft once, and that was the day it came.

Q. In the letter? A. In the letter.

Q. What did you do with it? A. I sent it to, I think, a man by the name of Kelly.

Q. Was the draft made payable to you? A. Yes, sir; the draft was made payable to me.

Q. What did you send it to Kelly for? A. Kelly was understood to be the go-between in the Nineteenth Assembly district.

Q. Between him and the man who made the appointment? A. Between him and the alderman or commissioners or whoever it is who makes the appointment.

Q. Was that the first transaction you ever had with Kelly?
A. That was the first I ever had with Kelly.

Q. How do you know he was the go-between? A. Rumor.

Q. You sent him a draft made payable to your order on the strength of the rumor that he was the go-between? A. No; I met him and spoke to him.

Q. About this business of appointments? A. Yes, sir.

Q. So you knew to whom you were sending the draft? A. Yes, sir; I knew who it was going to all right.

Q. What became of it? A. I never saw the draft from that day to this.

Q. Do you know what became of McDonald? A. I don't know whether he is on the force or not.

Q. Who was the surgeon who first examined McDonald, do you remember the name? A. No, sir; I don't remember the names.

Q. If I mentioned it to you, do you think you would recognize it? A. No; I don't think I would; I never knew any of the names of the doctors or anything, excepting a very few.

By Senator Lexow:

Q. Were you, at that time, in the business of procuring appointments? A. No, sir.

Q. Were you, at that time, doing a good deal of that business? A. No, sir; I was not; any more than anybody else; occupying the position at that time that I did, the people knew I was connected with Mr. McClave, and they thought I might be able to help them, and more or less I did have applicants come to me, but when they spoke about money matters, I would refer them to Mr. McClave, and say he was not a man like that.

Senator Bradley.—I understood you to say that you gave \$50 draft to Kelly yourself? A. No, sir; I sent it to him by mail.

Senator O'Connor.—Did you have a talk with Mr. McClave about these appointments? A. I spoke to him in regard to his appointment.

Q. Did he give you to understand, at any time, that it would require money to appoint him? A. No; quite the contrary.

Senator Lexow.—Did you ever have any understanding with Mr. McClave on any question of that kind? A. No, sir.

By Mr. Goff:

Q. But you handed him these several amounts of money always, or checks or whatever came to you? A. I did not say that I handed Mr. McClave any money; I have not said so right along.

Q. Did you? A. No, sir.

Q. Did you ever hand him any money? A. Only money I owed him.

Q. You testified you handed him checks? A. I hardly think so, Mr. Goff.

Q. You put in an envelope \$175? A. Yes, sir; I left it on George Richards' desk in McClave's office.

Senator O'Connor.—What did you leave it there for; that \$175 on Richards' desk? A. Well, I left it there because I was told that was the proper place to leave it.

Q. Did you know where it was going to; who was going to finally receive it? A. I was told by Richards, as I said before, that it was for—

Mr. Nicoll.—I object to this testimony, especially as Mr. Richards is dead; it is not right.

Mr. Goff.—The main point of the Senator's question was why did he leave the money on Richards' desk?

Q. Why did you leave it on Richards' desk? **A.** Because I was told to.

Q. Who told you to? **A.** Richards, that is where it comes again—

By Senator Lexow:|

Q. You said you had given this check of \$250 or \$200 of Judd's to Mr. McClave? **A.** Yes, sir; that check I did give to him myself.

Q. You gave it to him for a certain and distinct purpose? **A.** Yes, sir; that check was given to Mr. McClave.

Q. Did you not, after that time, have any communication or conversation with Mr. McClave as to the appointments upon the force? **A.** I do not say that I did not have conversations with Mr. McClave in regard to appointments on the force; yes, sir; I did.

Q. You stated a few minutes ago as to the question of money when mentioned between you and Mr. McClave, that McClave expressed himself as being averse to money being used? **A.** Yes, sir; he did.

Q. Now, you knew that you had handed Mr. McClave a check for \$200; did you have any conversation, subsequent conversation on the subject of the money between you? **A.** No, sir.

By Mr. Goff:

Q. You have recently had considerable difficulty in your family relations? **A.** Unfortunately; yes, sir.

Q. You have three children? **A.** Yes, sir.

Q. And they are in the possession of your wife's father, or the lady who was your wife, if she be divorced? **A.** Yes, sir.

Q. You allowed the divorce to go by default? **A.** Yes, sir; I did.

Q. Now, I hand you a book and ask you to state if you ever saw that book before? **A.** Yes, sir.

Q. What is that book? **A.** Memorandum book of mine.

Q. There is on the fly-leaf of this book—

Mr. Nicoll.—I want to see that book.

Mr. Goff.—I deny you the right to see that book; it is not offered in evidence yet.

Senator Lexow.—Before it goes into evidence he has a right to examine the book.

Mr. Nicoll.—I have the right to see it before he uses it.

Senator Lexow.—The court is against you **Mr. Nicoll.**

By Mr. Goff:

Q. I call your attention to the fly-leaf of this book, which says, "signature of the owner of this book, Gideon Granger," is that in your handwriting? A. Yes, sir; it was at that time, 1884.

Q. You started to keep this diary in 1884? A. Yes, sir.

Q. And is this here, on the other leaf of the book in your handwriting? A. Yes, sir; at that time.

Senator Bradley.—Isn't it yours now? A. I write a different hand from what I did at that time.

By Mr. Goff:

Q. I call your attention, I can not give the number of the page because it is not on it, I call your attention to the lower part of the page under the heading "cash account," to entries in lead pencil, are those your entries? A. Yes, sir.

Q. Did you make them at the time of the transactions they purport to narrate. A. Well, at that time or thereabouts.

Q. I will take the first of these entries under the name of "Little" \$250, what does that entry mean?

Mr. Nicoll.—May I not see that book now?

Senator Lexow.—I understand the counsel has the right to use any memorandum he pleases.

Mr. Goff.—Certainly.

Q. What does that entry mean? A. That it cost Little \$250 to get on the police force.

Q. Do you know his Christian name? A. No, sir.

Q. Had you anything to do with the payment of that money in any manner, shape or form? A. No, sir.

Q. How do you know that it cost him \$250? A. Kelly told me so.

Q. This go-between? A. Yes, sir.

Mr. Nicoll.—I object and move to strike out the testimony as hearsay.

Senator Lexow.—Does counsel expect to connect it?

Mr. Goff.—We will connect it.

Senator Lexow.—It may go in for the present, and if not connected it will be stricken out.

Mr. O'Connor.—I do not know Mr. Goff, by what rule of evidence you can give the hearsay testimony of anybody; what Kelly told this witness in my judgment, is not competent testimony. What John Jones told Paul Brown is not evidence against another party. It may be evidence against Paul Jones, it certainly can not be evidence against John Smith. As far as I am concerned, I am disposed to give the greatest latitude to counsel

In this investigation, as I apprehend the difficulties under which counsel labor, but at the same time we owe some duty to these men who are under this inquiry, and we owe them the duty of protecting them against rumor or hearsay of this man or that. I do not believe the evidence is competent.

Mr. Goff.—Senator, your views as a judge in a court of law would unquestionably be sound and indisputable, but we have not Kelly on trial, we have not Granger on trial nor have we Mr. McClave on trial. We have here an inquiry into the very matter alleged by Mr. McClave himself that common rumor stated that bribery was used to secure appointments on the police force, and in such an inquiry as this there must be a latitude, and the value of the testimony is for you to judge of or for the Senate to act upon. It may not be of very great value, but common rumor and common report in a community goes to make up your judgment and a verdict is not to be rendered by you upon this testimony that would send anybody to State's prison or subject anyone to a penalty; if that were so I would not rise here to offer a word in opposition to your remarks, but the point is here, if we stop at the line of strict legal testimony, I respectfully say that it will be an extremely difficult matter to get along with this investigation.

Senator O'Connor.—I agree with you in that respect, but we must keep ourselves reasonably within the bounds, but you say you may prove that common rumor exists in regard to the police department, that these rumors say so and so, but when you tend to fix upon any particular individual a charge of bribery by hearsay, I think it is going too far. We owe them a duty as well as we do the public, to protect them from a thing of that kind. Now, Kelly may have lied, he may not have told the truth. I do not think what Kelly said ought to impeach Mr. McClave's integrity, unless you follow it up by showing what Kelly said is true.

Senator Lexow.—I do not understand that this testimony is offered for any such purpose, but that it is offered for the purpose of showing that there was a go-between, between the police department and those who purchased their promotions or purchased their places upon the force. Mr. Goff means to show that a man by the name of Kelly made a statement to him that \$250 or \$300 was paid for the purpose of getting places; now, all the counsel has got to prove afterward is —

Mr. Goff.—A member of the bar has kindly handed me a memorandum that Greenleaf says that in matters of public and general import, neighborhood rumor is competent evidence. Here is a writing, made at the time, and it is competent evidence within

those rules, for this witness to state the reasons which prompted him to make that writing.

Senator O'Connor.— If you simply wish to prove the existence of rumors against this department, I think it is competent. In that view, as far as public rumor is concerned, it is proper and competent.

Mr. McClave.— Will you allow me to say just one word here ?

Senator Lexow.— If the committee agree. We think counsel will look after you better.

Mr. McClave.— My counsel is better able to take care of me than I am myself, but I want to say to you that this man on the stand here is a drunkard, a liar, a thief, and a forger, and it is too bad that he should give testimony.

Senator Lexow.— You must not take advantage of the committee in this way, Mr. McClave; it will raise a prejudice against you; we propose to defend you as far as we can; if you force us into a position where we can not defend you, we must take some other course.

Senator O'Connor.— We must protect witnesses on the stand, also, and we can not afford to have anything of that kind happen here.

By Mr. Goff:

Q. The second entry on this memorandum book, Burns, \$280, what does that entry mean? A. Same thing as the first; cost that man \$280 to get on the force.

Q. I call your attention to the third entry, Cohn, \$175; is that the transaction to which you have already testified? A. Yes, sir.

Q. About the envelope? A. Yes, sir.

Q. I call your attention to the entry, Cahill, \$250, what is that transaction? A. Getting an appointment on the police force.

Q. Do you know anything about that transaction? A. No, sir; not as far as McClave is concerned; the least bit in the world.

Q. About anybody else; we don't care about McClave? A. I heard that that man there had been appointed through Commissioner Sheehan.

Mr. Nicoll objects. Stricken out.

Q. With whom did you talk; you needn't state what was said; with whom did you talk in reference to the Cahill entry? A. A man by the name of Sullivan, 111 West Twenty-third street

Q. Do you know his first name? A. Thomas H.

Q. What is his business? A. Liquor business.

Q. Was it from information that he gave you that you made this entry? A. Yes, sir.

Q. What is that? A. McDonald.

Q. McDonald, \$370; what does that item mean? A. That is the McDonald that did not get appointed.

Q. There is an item here, how did you come to make the entry? A. Because the money was paid in; that is where the kick came.

Q. The money was paid in and he did not get appointed? A. He did not.

Q. Through whose hands was the money paid in? A. Through my hands; that is, \$320 of it was—the fifty—

Q. To whom did you give that? A. Direct to Mr. Kelly, Eighth avenue.

Senator Lexow.—The same Kelly spoken of before? A. Yes, sir.

By Mr. Goff:

Q. What understanding had you with Kelly as to what he should do with the money? A. That money he said—

Mr. Nicoll.—I object to this as hearsay.

Senator Lexow.—I think it leads up to something, the objection is overruled.

Q. What did you understand from your relations with Mr. Kelly or your conversations with him as to what he should do with money? A. He said, "The way you make appointments, your father-in-law ought to get rich pretty quick."

Q. I call your attention to Farnsworth, \$360; what does that item refer to? A. That means for an appointment.

Q. Do you know anything about that appointment? A. Yes, sir.

Q. State to the court what you know? A. That was done through Congressman Raines of Canandaigua.

Q. To whom was the money paid? A. Direct to Mr. McClave, I understood.

Q. From whom did you understand that? A. Congressman Raines himself.

Mr. Nicoll.—I object. Is it possible that the committee will listen to a thing like that.

Senator Lexow.—Inasmuch as Mr. Raines is a competent witness himself it seems to me that it is proper.

Mr. Goff.—How shall we get at this transaction unless we surround it with circumstances leading up?

Senator Lexow.—Why can not you call Mr. Raines, if he refuses or declines to answer, you can call this gentleman again in rebuttal.

Mr. Goff.—He is not within the jurisdiction now, possibly. You may see the difficulty we might have in calling Mr. Raines. How could we ever have discovered that Mr. Raines paid this

money, unless by such testimony as this leading up to the identification of the person. Bribery can only be traced through very many, many channels.

Senator Lexow.—Then you take chances that this testimony, if not connected, will be stricken out.

Mr. Goff.—We have to take our chances; we are investigating the thing and you are the judges of what you shall reject or what you shall receive.

Q. How did you understand that? A. I met Mr. Raines at the Morton House by appointment.

Mr. Nicoll.—Will your honor permit this conversation with Mr. Raines, it is purely hearsay; in the absence of the defendant.

Senator Lexow.—I think this committee will give you full latitude for cross-examination.

Mr. Nicoll.—I should be most false if I permitted such testimony as this which ought to be obnoxious to members of this committee, most of whom are lawyers, to go in without some objection.

Senator Lexow.—The committee will be able to sift this testimony and apply the proper rules to it.

Senator Cantor.—What good will it do by striking it all out afterward?

Mr. Goff.—The counsel states it is in the absence of the defendant; who is the defendant?

Mr. Nicoll.—In the absence of Mr. McClave; you are making the witness testify that Mr. Raines gave, or met him at the Morton House to give him a sum of money to give to Mr. McClave; I ask for the protection accorded to any man under such circumstances.

Mr. Goff.—I ask that Mr. Nicoll confine himself to the facts; nothing has been testified to here that Mr. Raines said that this money was to go to Mr. McClave, not a word, that is Mr. Nicoll's own assumption; whether it effects Smith, Brown, Jones or Robinson in this department, it is competent.

Senator Lexow.—I do not think I would go any further in that matter, Mr. Goff, I think you have all you want in that matter.

Mr. Goff.—Cannot we show a step in this direction where everybody covers up his tracks and smothers his transactions.

Senator Saxton.—Would you ask us to find anything against this police department on the strength of what this witness said Raines told him.

Mr. Goff.—Standing alone; no.

Senator Saxton.—How are you going to aid it or support it except by the testimony of Mr. Raines himself as to what took place with him, or what had taken place with reference to what he speaks of.

Mr. Goff.—I submit to you this question; how is it possible for us to discover names of persons who had direct transactions?

Senator Saxton.—This witness said that Mr. Raines told him something with reference to a corrupt bargain between him and the police department; that has led up to the point where you discover that Raines may know something about this matter.

Mr. Goff.—It is not my duty or power to infringe upon what you gentlemen may consider the proper line of examination, but I simply suggest to you the impracticability of our reaching a definite conclusion unless we follow it step by step.

By Senator O'Connor.—Would you consider this proper testimony; I have heard from the Metropole Hotel from a half dozen different people that Captain Schmittberger paid \$10,000 to be made captain to the police board; would that be evidence?

Mr. Goff.—No, sir; that forms public rumor.

Senator O'Connor.—The authority you refer to in Greenleaf, public rumor is one thing and particular conversations is quite another, that is not public rumor at all. I can convict by my testimony, swear that I have been told by a dozen different people that this captain paid \$10,000; would that be evidence against any of them?

Mr. Goff.—Would it not be proper for you after hearing that statement at the hotel—suppose some one said that Schmittberger paid \$15,000 for his appointment, would it not be proper to put him on the stand and ask him who told him so and then go to Smith and ask him who told him so and so on?

By Senator Lexow.—Yes, you have all that, you have got to this point where he says Mr. Raines told him so.

Mr. Goff.—That is all I want to do.

By Mr Goff:

Q. Did I understand you to say that that money went through your hands? **A.** No, sir; it did not.

Q. Now, I call your attention to the next item, Coleman, \$500; what does that mean? **A.** Coleman was a patrolman and he wanted to be made roundsman. and it cost him \$500 to be made a roundsman.

Q. State to the court your knowledge of that whole transaction?

Mr. Nicoll objects.

Mr. Goff.—You see, gentlemen, it will be simply a question of physical endurance.

Senator Lexow.—Go right on Mr. Goff.

Q. State to the committee your knowledge of the transaction?

A. Coleman called at the house one night, No. 124 West Seventy-second street.

Q. Whose house? A. Mr. McClave's house; I was living there at the time, and he asked to see Mr. McClave, he was busy I think upstairs; I went down into the billiard room with him and he told me what he wanted done.

Q. What did he say? A. He went into the billiard room and told me what he wanted done.

Mr. Nicoll.— I object to that.

Senator Lexow.— That is a statement of fact.

Mr. Nicoll.— I object to it.

Senator Lexow.— It is overruled.

Mr. Goff.— My learned friend is on the other side of the bar now; when he was counsel for commissioners of accounts in this city, investigating —

Senator Lexow.— The committee has ruled with you, Mr. Goff.

Mr. Goff.— It was a question of Phillip drunk or Phillip sober.

Q. Go on about Coleman. A. He told me what he wanted done, and I told him it would cost more than he said it would, he said, how much; I said, "Well, you ought to go seven hundred and fifty to a thousand dollars," he said he couldn't go that, but would cut it in half, I said all right, do that; I said, "Now, if you will agree to pay \$500, go down and see Mr. McClave and he will fix it for you;" he went down and saw him and he is a roundsman to-day

By Senator O'Connor:

Q. Saw whom? A. McClave.

Q. Did you see McClave about it? A. Yes, sir.

Q. Did McClave agree to do it for \$500? A. I know he put up \$500 and he is a roundsman to-day.

By Mr. Goff:

Q. Into whose hands did it go? A. I don't know; not into mine.

Q. Do you know who received the money? A. Someone in the police department got the money or he wouldn't have been made roundsman if he hadn't.

By Senator O'Connor:

Q. How do you know it? A. He told me that he put up \$500 at headquarters; I don't say he put up any money in McClave's hands.

Q. Did you have any words with McClave at all on that matter? A. Yes, sir; I told him that he called there at the house to see him.

Q. Did you tell him what occurred between yourself and Coleman? **A.** I said he wanted to be made a roundsman; I said he was a very honest fellow — deserving chap — been on the force seven years; I think it was seven years, and that he was well connected, been a good officer and that things could be made all right.

Q. Did you say anything to Mr. McClave about Coleman's offer to put up money? **A.** No, sir.

Q. You said everything would be all right? **A.** Yes, sir.

Q. What did McClave say? **A.** He told me to send him down to him.

Q. Did you see Coleman after that? **A.** Yes, sir; I seen him within three weeks, and I told him to go down to McClave's; I didn't send him down.

Q. You told him you had conversed with McClave about his case? **A.** I said that I would speak to Mr. McClave in regard to him.

Q. And that you had spoken to him? **A.** That was the second time I saw Coleman after that.

Q. The second time, that is what I mean, did you tell Coleman then that you had seen McClave, and that Mr. McClave told you to send him down? **A.** Yes, sir.

Senator Lexow.— Did you use that expression, "Things would be made all right?"

A. Words to that effect; I don't know whether it was "Things would be made all right," or "Things could be fixed all right," or what words I did use, but substantially the same thing.

Q. Do you know whether it was those specific words? **A.** No, sir; I do not.

By Mr. Goff:

Q. But that was the substance of what you said? **A.** Yes, sir.

Q. I call your attention to an entry on the bottom of a leaf in your diary, February what, Saturday, 22d? **A.** Yes, sir; that is under 1884 year; it was on Saturday, whatever year it was; what year it was I don't know; I didn't put the year down on most of those memorandums; I have scratched down there that one there; that is 1890.

Q. In other words this memorandum was constructed to run one year only? **A.** Yes, sir; I got tired of keeping it.

Q. I call your attention to these entries, "Went to see Dr. Nesbitt for Mr. McClave about Monahan; o. k.;"— did you make that entry? **A.** Yes, sir.

Q. Did you go to see Mr. Nesbitt? **A.** Yes, sir; and asked him why it was that McDonald didn't pass, and, in fact, I knew why

he didn't pass, for two reasons; one was that he had disorder in the system and bleeding piles; that I knew, anyway; that was one of the reasons; I told Mr. McClave that, and he said, "You go down and see if Dr. Nesbitt can not fix it."

Q. You did go and see Dr. Nesbitt? A. Yes, sir.

Q. Did you tell Dr. Nesbitt what McClave had said to you? A. Well, I don't know whether I did or not; I know that I told Dr. Nesbitt that I had heard that McDonald didn't pass, and I supposed it was on account of his bleeding piles and disordered system.

Q. What did Dr. Nesbitt say?

Mr. Nicoll objects.

By Senator Lexow:

Q. Who is that? A. The police surgeon.

By Mr. Goff:

Q. What did Dr. Nesbitt say? A. He was objected to on legitimate grounds; he did have a disordered system, and did have bleeding piles.

Q. What did Dr. Nesbitt say to you? A. Said he would do what he could for him; for me to send him down.

Q. Again? A. Yes, sir.

Q. Did he go down the second time? A. I think so; I told him to; I wrote him a letter of introduction to Dr. Nesbitt, and gave it to McDonald.

Q. About Monahan? A. Yes, sir; that fellow there, whatever his name is.

Q. Did you ever see Monahan afterward? A. Yes, sir; I saw him two or three times afterwards.

Q. Was Monahan appointed? A. No, sir.

Q. I call your attention to entry under date of Tuesday, 26th of February, 1891, the lower portion of that entry; state if it is in your handwriting? A. Yes, sir; that is that Coleman business I told you about.

Q. Had an interview with Coleman, arranged for his promotion for \$500, to be put in 20 per cent., is that it? A. No, sir; two parts, it is meant to be.

Q. That is the transaction you have testified to? A. Yes, sir, the only addition being the division of the money into two parts.

Q. What was that? A. I don't recall it now, any more than what is on the book there, that is all.

By Senator Lexow:

Q. You mean two installments? A. He couldn't pay the \$500, he said, at once, and he would pay some of it when he got the appointment, and within a few weeks after would try to raise the rest, I believe he lives in Sullivan county and his father owns quite a farm there if I am not mistaken about it, and it was through him that he intended to get the balance of this money.

Q. I call your attention to the entry the 6th of August, 1885? A. Couldn't have been 1885; I didn't know anything about it then.

Q. Whatever date it is, I don't know what date, I call your attention to that entry at the bottom of the page? A. That is that Joe Cohn business, 1888.

Q. That is in your handwriting? A. Yes, sir.

Q. Joe Cohn passed—? A. Drs., isn't it?

Q. XXX; what do they mean? A. Extra good.

Q. What does C. B. mean? A. I don't know; I was studying that yesterday.

Q. What does O. K. mean? A. That he passed the doctors.

Q. That is the one you have testified to? A. Yes, sir.

Senator Lexow.—We will adjourn now until half-past 10 to-morrow morning.

M. Nicoll.—I desire to ask this witness a few questions before adjourning. I hardly think it is consistent with the fairness and dignity of the servants of the State of New York to suddenly interrupt the examination of one of the police commissioners of this city by a witness of this character in the middle of the afternoon when you have his entire tale, without qualification, limitation, explanation, or knowledge to the public whatever, of its real character, to take an adjournment. If you think that is the way this proceeding ought to be conducted, as you have frequently reminded me that I have no rights here I will bow in submission.

Senator Lexow.—The character of the witness has been stated according to the impression made by Commissioner McClave in the strongest kind of terms.

Mr. Nicoll.—I will satisfy you of the character of the witness in 10 minutes if you will give me an opportunity.

Mr. O'Connor.—Mr. Goff has not got through with the witness yet, and it is passed the hour, we ought to take an adjournment until to-morrow morning.

Mr. Nicoll.—The thing is all printed in the morning papers and I am denied the right of cross-examination, 24 hours elapse before McClave has a right to be heard and before I have an opportunity to examine this witness. Impressions are created

which can never be recalled and in all respects it strikes me that it is not a fair thing to this man or to his family, that this man should be allowed to slink into court in the middle of the afternoon and then tell his tale as he has told it without any questions being put to him on cross-examination. The value of this investigation to the city and State is the conviction in the public mind that you have treated every one with fairness; that you have not put up men unworthy of belief or men of good character as unworthy of belief.

Mr. Lexow.—I do not see how we can violate every rule of evidence. Mr. McClave was satisfied to leave the stand; he did it and said he would leave with pleasure, and the last witness took his place; there was no objection made then. You will have all the opportunity you want.

Mr. Nicoll.—It is a perfect outrage.

Senator Lexow.—You cannot prove anything stronger than Mr. McClave has stated in reference to this witness.

Mr. Nicoll.—I can, because I have the documents in my hands.

Senator O'Connor.—Did not Mr. McClave characterize him as a thief, scoundrel and forger, and do you propose to make that good by his own confessions or documents.

Mr. Nicoll.—Not by his own confessions, I will prove it to the satisfaction of every reader to-morrow morning that this man is unworthy of belief.

Senator Lexow.—It is our bounden duty to protect the witnesses as well and until you have proved to the contrary this committee is going to believe he is a creditable witness.

Mr. Goff.—I think the demonstration of Mr. McClave was a very unseemly one on the floor of this committee.

Senator Lexow.—We will adjourn until half-past 10 to-morrow morning, May 22.

Proceedings of the fourteenth meeting of the committee, Monday, May 22, 1894, at 10:30 a. m.

Present.—All of the Senate committee, and counsel on both sides.

Mr. Goff.—Mr. Chairman, I am informed that the witness on the stand yesterday is not in court this morning, in compliance with your order. I saw the witness myself, after the session of the committee yesterday, and he informed me that he would be here sharp at half-past 10. I have had my messenger seek for him and I have been unable to see him or find him here in court. If your honor will please have him called, and if he is not here, have the sergeant-at-arms produce him in court: we have given the committee his business address and his residence; that is all that we can do.

Chairman Lexow.—Is Gideon Granger in court? The sergeant-at-arms has been instructed to produce him.

Mr. Nicoll.—I never expected this witness to come back; what has now happened, is not a surprise to me or to my clients. We talked it over last night, and we agreed that he would never appear here again; he would never again insult the seven gentlemen who represent the Senate of this State by impeaching the lies which he commenced yesterday afternoon. This man was a son-in-law of Mr. McClave, and only last Friday, in the interests of his family, Mr. McClave took the witness stand against him, before Judge Dugro, in the Superior Court —

Chairman Lexow.—Mr. Nicoll, you will have to come to order, if the witness is not produced, you will have your remedy, to move to strike out his testimony.

Mr. Nicoll.—I move to strike it out now.

Chairman Lexow.—No; he may be produced after a while.

Mr. Goff.—It is a most remarkable statement, that Mr. Nicoll and his client, should have come to an agreement last night, that the witness should not appear; most remarkable.

Mr. Nicoll.—I knew he would not come, and he never will come. How long before will the chairman entertain a motion to strike out the testimony of the witness?

Chairman Lexow.—We will first search the city of New York for him, and if we do not find him, we will see that the district attorney of the county, takes the matter in hand and get him here.

Mr. Nicoll.—You will never get him here.

Senator Saxton.—That is your opinion; you do not know anything about it, do you, Mr. Nicoll?

Mr. Nicoll.—Nothing but a writ of requisition will bring him here.

Senator Saxton.—He may be sick, or there may be some other reason; we can not tell why he is not here.

Mr. Nicoll.—The committee has been grossly imposed upon, and I should think that the committee would share my indignation, at the way it has been imposed upon.

Chairman Lexow.—We will be patient and ascertain the fact, whether we have been imposed upon, or not, and we will probably be just as indignant as you, if we have been so imposed upon.

Mr. Goff.—Mr. Nicoll means that his indignation is in a Pickwickian sense.

Mr. Nicoll.—I also call your honor's attention to the fact that this gentleman was Mr. Jerome's client at one time; Mr. Jerome appeared for him in this divorce proceeding.

Mr. Goff.—Up to a certain stage of the proceedings.

Mr. Nicoll.—Up to the time when he was satisfied as to the character of the man. He has greater knowledge of his habits and whereabouts than anyone else here.

Mr. Jerome.—I do not know where he is; I have given all the knowledge that I have in reference to him.

Mr. Goff.—I am frank to say here; I do not hesitate to say it, that I saw him at midnight last night myself, and spoke to him and then had his promise that he would be here faithfully this morning.

Chairman Lexow.—Let us proceed with the testimony.

John McClave, resumed the stand, for further direct examination:

By Mr. Goff:

Q. I do not know that you stated definitely, yesterday, when the account in the Bank of North America, was withdrawn, by the police board? A. My recollection of that is, that I stated it was closed about three years ago.

Q. Closed three years ago? A. Yes; and in reference to those blank memoranda, if you will permit me to make an explanation, I think I can convince you about those.

Q. Later on we will take that? A. There was.

Q. You mean the destroyed checks? A. Yes; what you claim were destroyed; I can convince you that you are in error.

Q. Are all the vouchers which were drawn by you upon the Bank of North America, at police headquarters? A. Yes, sir; all of them.

Q. Have you got all the vouchers which you drew upon the Bowery Bank, on your personal account, or business account? A. I have the vouchers, up to the time, I think, of my fire.

Q. What date was your fire? A. On the 12th of April, 1893.

Chairman Lexow.—You mean since the fire? A. Yes; since the fire; I think when the book was balanced, those little checks are not kept ordinarily.

By Mr. Goff:

Q. Have you got your bank-book or bank-books of all your accounts in the Bowery Bank, before 1893? A. Have I got them?

Q. Yes. A. Oh, no; I brought them down to 1889, I think, yesterday.

Q. You say your vouchers from that bank were destroyed by the fire? A. Yes, sir.

Q. And your check stubs? **A.** Well, I have brought to you yesterday some check stubs, as far as I had them.

Q. I am speaking of your own personal account? **A.** Yes, sir; as far as I had them.

Q. How far is that? **A.** I should think it was about a year or 18 months.

Q. I mean before the fire? **A.** Before the fire in 1893; I think I explained to you yesterday, that my books of account and business from 1860, up to the time of that fire, were pretty much all destroyed; they were in the office, which was burned at that time.

Q. You kept all matters connected with your business, and your personal account, at your office, at your lumber yard? **A.** Yes, sir.

Q. And they were destroyed? **A.** Yes, sir.

Q. Then how is it that the bank pass-books were not destroyed? **A.** The bank pass-book, running back to 1889, was inside of a small steel safe, inside of the larger safe, in the front office—the middle office—and the fire did not strike that on that account.

Q. Then that escaped destruction? **A.** That book; yes, sir.

Q. But your vouchers were destroyed? **A.** Yes, sir.

Q. And you did not keep your vouchers, then, along with your bank-book? **A.** Oh, no, sir; in the matter of those little checks, when a book is balanced, after the book is balanced as a rule, those checks are not kept.

Q. You mean to say you did not keep the return vouchers sent to you by your bank? **A.** Not after we balanced the book; not after the book is balanced; after they are balanced and charged off, they are of no earthly use.

Q. You stated yesterday that in a certain year, 1892, the year I have reference to, when I asked if you had not lost \$11,000 in your business, that you had made \$100,000 that year, is that true? **A.** That is true; yes, sir.

Q. Do your books show that? **A.** My books; I made a statement to you yesterday; if you will—

Q. Do your books show that? **A.** If you will recall the statement that I—

Q. No; answer the question; do your books show that you made \$100,000 in the year 1892? **A.** I told you, Mr. Goff—

Q. No; do your books show that? **A.** If you will permit me to explain as to whether I have got the books or not; my books did show that; I stated that to you yesterday; I likewise stated to you that if you would go get any of the adjusters of the fire insurance people, if you would go there and make an investigation of that fact, you would discover it.

Q. Is this the fact, that the books which you claim showed

that you made \$100,000 in that year, profit, on your lumber business, destroyed in that fire? A. They were so destroyed.

Q. Where was the balance of \$100,000 deposited? A. In my regular business account.

Q. In what bank? A. In the Bowery Bank; you mean carrying the regular balance?

Q. Where was the account in the bank, that showed that you had made \$100,000 that year? A. They were in my regular business account; my banking transactions in connection with my business, as a rule, ran about \$400,000 or \$500,000 a year, and the deposits that I received in connection with the sales of material in my business were deposited in that time.

Q. You had a lumber account, a business account, in the Garfield National Bank, did you not? A. Yes, sir.

Q. For many years? A. In the Garfield National Bank, did you say?

Q. Yes. A. No, sir.

Q. Of any description? A. No, sir.

Chairman Lexow.—That was the building or repair account.

Q. Then all the accounts that you had for yourself, that you call personal or private, and in relation to your business, were in the Bowery Bank? A. Yes, sir.

Q. And not in the Garfield or any other bank? A. No other bank.

Q. And there were how many accounts there? A. There were two only.

Q. Two accounts? A. Yes, sir.

Q. In making deposits in the business account, in the Bowery bank, from the proceeds of your business, in what shape did they generally come into your hands for deposit? A. They were always in check, as a rule; there may be isolated cases where I got a few bills, but they were generally check or notes.

Q. Bills, very seldom? A. Not very often.

Q. And of course, you wrote out your deposit slips with all your deposits? A. I never kept those.

Q. No, but the bank possesses them? A. I fancy they do.

Q. Did you ever deposit in that bank large sums of money in bills? A. No, sir.

Q. You are clear about that? A. Yes, sir.

Q. And you are clear that the deposits and slips will not show that? A. I do not think they can.

Q. Have you got any doubt about it? A. I should doubt it very much indeed.

Q. Don't you know whether they did or not? A. I should not think that there was any—

Q. Never mind about your thoughts; I want an answer to the question? A. I have no recollection at this time.

Q. Refresh your recollection; it is a very important matter; will you swear that the slips of deposit in the Bowery bank, will not show that large sums of money were deposited by you in bills? A. What do you call large sums of money; give me some idea about it, and I will be better able to know what you mean?

Q. Well, say \$1,000? A. I would not like to say that I have never deposited a thousand dollars in bills in a bank; that is very possible.

Q. Will you say you never deposited a thousand dollars in bills in the Bowery bank, in your business account? A. No.

Q. Can you state from what firm or contractor or individual that you have ever received \$1,000 in bills in business, for lumber? A. I can, yes.

Q. Tell me one? A. As a rule —

Q. No, not as a rule, tell me one such firm or individual? A. From the circus people, for a number of years, they gave me \$5,000 or \$6,000, or \$7,000 in bills.

Q. When did you receive money from the circus people in bills? A. I think the last was about two years ago.

Q. From whom did you receive the money? A. From the Bailey & Barnum people.

Q. What individual handed it to you? A. I do not know whether the clerk or treasurer; whoever he may be.

Q. To whom was the money handed? A. Generally to our collector.

Q. In this case with a large sum of money in bills, do you know to whom it was handed? A. I do not know, either my collector or one of my sons, or a man by the name of Pat.

Q. That is Pat, your messenger, Pat McLaughlin? A. Yes, sir; Pat McLaughlin.

Q. How much in bills were handed to you? A. It is an absolute impossibility for me to recollect particularly in reference to these matters, running along during a period of years; if you will take the aggregate amount of my transactions there, I can explain them to you fully.

Q. I know you can, but this is only a few years ago, and the fact of receiving such a large sum in bills, from a circus company, must have impressed itself upon your mind, must it not? A. Well, I have been doing a lumber trade of about \$500,000 a year, and it is absolutely impossible for me to recollect particularly each of those transactions, and a man might come in — I may have no idea of what exactly comes in, for I am only there two hours a day at my office.

Q. You spend two hours every morning at your office? A. About two hours every morning.

Q. And if there was a large sum of money in bills paid into your office, it would be out of the ordinary run of business, would it not? A. Ordinarily, it would be; such a thing might be possible.

Q. Would it not be so extraordinary, that it would impress itself upon your memory? A. If my attention was particularly called to it.

Q. But your attention was particularly called to it, when you remember you got the money from the circus people? A. I remember that fact.

Q. Was it true or not, that you received \$1,000 in bills from Bailey & Barnum circus, in bills? A. Yes; more than that.

Q. In bills? A. Yes, sir; they have never paid to my recollection other than in bills; no checks; they paid in bills; they paid all their bills in the bills which they took in at the office, and ordinarily their bills ran from five to six thousand dollars per year, and they generally paid them all at once.

Q. During the season? A. When they were repairing and fixing up for their circus, they would buy lumber for that purpose.

Q. That would be during the winter, would it? A. Well, whatever their season would be.

Q. Whenever they prepared for their circus season? A. Yes, sir.

Q. And their place is at Bridgeport, Connecticut? A. Yes, sir; but they fixed up their circus here at Madison Square Garden.

Q. And they bought lumber of you? A. Yes, sir.

Q. Name me one season when that occurred? A. My recollection of that is, that we have had that trade right along, for a number of years, up to about two years ago; I think it is two years ago, when they commenced to do their work by contract.

Q. Take the year 1890; did you supply material to them in that year? A. Yes, sir; I am very sure that I did.

Q. To what amount? A. I stated generally that the bills run along from about five to eight thousand dollars.

Q. For that season? A. Yes, sir; I think so.

Q. What was the largest amount that they paid you in bills? A. Well, I could not tell you positively about that.

Q. What was the largest amount of a bill that was ever collected during that year from them? A. I think their bills never ran larger than \$8,000.

Q. You say that year six or seven thousand dollars for the whole year; was the whole bill paid at once? A. I mean the entire transaction was made within a month or two; just while they were fitting up.

Q. Was the whole of their bill paid at once? A. Yes, sir.

Q. And all in cash? A. Yes, sir.

Q. And always in bills? A. Yes, sir.

Q. So it would appear from your bank-books, and your deposit slips that sometime during the winter of 1889 or 1890, there were six or seven or eight thousand dollars in bills paid by the Barnum & Bailey circus people, which you deposited in the Bowery bank? A. Yes, I think so.

Q. Do you know it? A. Do I know, as matter of fact, that they gave us those bills?

Q. Yes? A. Oh, yes; they gave us bills whenever we sold them lumber.

Q. I am asking about this particular transaction in 1890; did they pay you in bills in 1890? A. If I sold them any lumber that year, and I am very confident that I did, they paid me in bills.

Q. Do not say "if;" you have said that that they did pay your bills in bills? A. I have stated to you that we sold lumber to the circus people there for a number of years, and that my recollection particularly is, that about two years ago, they commenced to have their work done by contract; they—whenever we sold any lumber they always paid their accounts in the bills, which they took in at their office.

Q. That is very general and very vague? A. And theatre people generally do the same thing.

Q. Yes; but that is very general and very vague; what the committee would like to know, is for you to get down to a certain year; you have selected 1890, and you have stated that that year you sold these circus people lumber to the extent of six or seven thousand dollars; now, I ask you if they paid whatever sum they owed you for lumber, that year in bills? A. Yes, sir; whatever they may have owed me that year, they paid me in bills.

Q. And it was around six or seven thousand dollars? A. I should think it was about that.

Q. And they paid you that all at once? A. Yes, sir; they always paid it all at one time.

Q. Six or seven thousand dollars in bills at one time? A. Yes, sir.

Q. And you remember making out a deposit slip for six or seven thousand dollars? A. No; I have no recollection of that at all.

Q. You do make out a deposit slip, do you not? A. No; I never did.

Q. Who does make out your deposit slip? A. My bookkeepers.

Q. Who are your bookkeepers? A. My sons.

Mr. Nicoll.—I do not know whether or not the air in this court-room is oppressive to you vigorous and healthy gentlemen,

as it is to me, but with this multitude standing back here, which is very unusual in our court, with all the windows closed, there are some of us who suffer from this bad air, and it would be a very great advantage to us, if the windows could be opened.

Q. After having had a little time for reflection, can you give us any more definitely any information touching that transaction with the circus people? A. I want to say to you, that I have not given it a thought or reflection; I was not thinking of that while I was sitting here, while Mr. Nicoll was speaking; I simply say to you, that as matter of fact, that my business as a rule, ran from four to five hundred thousand dollars a year, and that I have handled since I have been treasurer of the police department, and in my business about \$70,000,000, and it is impossible for me to tell you in particular detail any transaction in connection with that.

Q. Is it not a circumstance of such unusual occurrence to have six or seven thousand dollars in bills—? A. I should think—

Q. Will you please wait until I have asked my question; I have been patient with you; is it not a circumstance of such unusual occurrence, to have a bill of \$6,000 or \$7,000 paid in paper money by a customer of yours, for lumber, that it would not escape your recollection? A. I would not be very apt to recollect it.

Q. Were they so numerous as that? A. Well, no; they were not particularly numerous, but where you are doing a business to that extent, transactions in which more or less money are coming in all the time, you are not apt to remember.

Q. And the transaction of your receiving bills in so large an amount— A. Not in proportion to the entire business; I should not think a matter of six or seven thousand dollars was a very large proportion.

Q. I am asking you about this particular matter, and if you can give us any light upon that transaction of Barnum & Bailey, having paid you six or seven thousand dollars in bills, during the winter of 1889 or 1890, for lumber furnished by you, to their circus—is that a fact? A. I have stated to you that it was a general rule—

Q. Is that a fact, or is it not? A. I told you that during the time that we were dealing with them, during those years, that their bills ranged, as a rule, from \$5,000 upwards, and that they always paid the bills for them.

Q. Is it a fact that during the winter of 1889 and 1890, that Barnum and Bailey paid you a debt that they owed you for lumber, to the amount of \$6,000 or \$7,000 in bills; please answer that question? A. I can not say positively as to the amount, or the particular year; I simply swear as to the general fact

Q. Then, will you swear that at any one transaction that you have received from Barnum & Bailey a sum in gross, to the amount of \$6,000 or \$7,000 in bills? A. I should think that was true; that is to the best of my recollection.

Q. Have you any doubt about it? A. I have no doubt about it in my own mind.

Q. If you have any doubt about it, express it now? A. I have none; I feel confident that that is a fact.

Q. You feel sure that that is the fact? A. I feel very confident, for that is my best recollection of it.

Q. It is not a recollection; it is a positive statement of fact, is it not? A. I think I have explained to you that it is absolutely impossible for me to go back a long number of years and remember a particular item or a particular amount; I think I have made that statement to you, and I have said it over and over again, and I do not think anybody else could remember items in that way.

Q. You have given the winter of 1889 and 1890; did you supply them with lumber in the season of 1890 and 1891? A. I stated to you that my recollection is that we supplied them up to about 1892.

Q. And at that time they commenced to make contracts? A. Yes, sir.

Q. And you supplied them in the winter of 1890 and 1891? A. I think so.

Q. What was the amount of your transaction with them in the winter of 1890 and 1891? A. My recollection of the transaction with them is about as I have stated to you that that is the way they ran.

Q. About that amount? A. Yes, sir.

Q. Six or seven thousand dollars? A. Yes, sir.

Q. And did you receive that amount in 1890 and 1891, in bills from them? A. I should think so.

Q. Have you any doubt about it? A. Whatever the amount of their account was, was paid in bills.

Q. And the amount was \$6,000 or \$7,000? A. That is my recollection.

Q. Was the fact that you received \$6,000 or \$7,000 in bills? A. Oh, no; I have stated that.

Q. It was unusual, was it not? A. We were getting, of course, more or less bills into the office on various accounts, but as a rule not in such large sums.

Q. It was unusual to receive such large sums as \$6,000 or \$7,000 in bills? A. As a rule, it was.

Q. Did not that fix itself, then, upon your memory? **A.** No; I would not be apt to remember that at all.

Q. Your memory would be apt to slide over that? **A.** No; I would not be apt to remember it.

Q. Was there a bill rendered to them by you for that amount? **A.** Always; whatever the bill was.

Q. Is there anything on your records in existence that will show that transaction? **A.** I can show back, I think, to the commencement of 1892; I think we have our books from 1892 up.

Q. I am asking before 1892, when you performed the work or supplied the lumber? **A.** I have stated to you that all those books were destroyed in the fire, on April 12, 1893.

Q. Then, so far as you know, there is no book in existence, or under your control, that will show that you received, during the year 1890, or 1891, \$6,000 or \$7,000 in bills from Barnum & Bailey's circus? **A.** No; we have no books back of that date.

Q. They were all destroyed? **A.** All destroyed in the fire.

Q. And your testimony here now is, from your recollection? **A.** Yes, sir.

Q. But you did sign whatever deposit slips were made, when you sent that money to the bank, whatever deposit slips accompanied that money when you sent it to the bank?

Chairman Lexow.—They are never signed, the deposit slips are not.

Q. I mean wrote out; you wrote out the deposit slips, did you not? **A.** I do not know whether I did or not, because I am not in the habit of doing that; I might do it.

Q. Do you know who took that money to the bank? **A.** No, I could not recollect that at all.

Q. You know that a deposit slip showing six or seven thousand dollars in bills, was made? **A.** Showing that or more or less; there might be a lot of other money coming in, in connection with the business, which would go in with that; I do not think I have made a deposit myself personally in ten years.

Q. I am not asking what you did personally; do you not know, as a business man that a deposit slip accompanying the deposit, showing the amount of coin or checks or bills? **A.** Yes; I know, that.

Q. You understand that? **A.** Yes, sir.

Q. So the deposit slips made out there by or on your behalf, must show on the face, that there were so many thousand dollars in bills? **A.** Yes, sir.

Q. Will you name another concern, besides the Barnum & Bailey circus, from which you received large sums of money in green backs? **A.** I would not undertake to state anything in conne-

tion with that; I simply mention the name of the circus, because as matter of fact, when they came in with their account, it was a large package, made up of one and two dollar bills, and I would be very apt to notice that fact in that connection, but necessarily we got in more or less bills from other concerns.

Q. So now, you are getting to have a positive recollection, inasmuch as you remember the denomination of the bills that Barnum & Bailey gave you? A. No; that is not more positive on that account.

Q. You have just stated it was? A. I have stated that my attention would be more apt to be called to it, if I saw a large package of one and two dollar bills.

Q. Was there a large package of one and two dollar bills? A. Always; that is the way they always paid their bills; they paid the bills to us, that they got in at the box-office.

Q. How could they take in the bills in the winter season? A. They never paid their bills until after the circus opened, and in the course of a week or two, after they had opened the circus, they commenced paying their bills.

Q. You mean to say that that is the mode of business pursued by a large concern like that of Barnum & Bailey? A. Yes, sir.

Q. That they paid out the bills which they received? A. That is the way in which they paid all their bills; they used to pay their bills in that way.

Q. That is, so far as you are concerned? A. Well, I was informed that they paid all their bills in that way, working off their small bills that way.

Q. It was the small bills that they worked off upon you? A. Yes, sir.

Q. Who informed you of that? A. The collectors; my son, or the manager, or whoever collected the money.

Q. Your collectors told you that? A. Yes, sir.

Q. You said yesterday, speaking of your sons, that your three sons were in New York, while you were in California, were you correct or incorrect in that statement? A. My sons, John and Alfred, were with me, and my other son was here.

Q. There was only one son here? A. Yes, sir.

Q. Did you depute to him the performance of any official work while you were away? A. Yes, sir; you mean in connection with my public duties?

Q. Yes? A. Yes, sir.

Q. What did you have him do? A. The law gives the power to the treasurer of the police department, to appoint a deputy treasurer by and with the consent of the board of police commissioners; the object of that is—

Q. Never mind the object; did you do that? A. When I went away for 40 or 50 days, it was the first time I had been away, and it was thought necessary that somebody should be left to sign the checks or make the deposits at police headquarters, and my son was appointed by the board, for that purpose; there is no salary attached to it, and he just performed such duties during the time that I was away that were necessary.

Q. He did not file any bond, did he? A. No, sir; the treasurer was responsible for his actions.

Q. You spoke something about some man over in Brooklyn, doing the election-box business; having a contract; do you remember his name now? A. If you have the name, and will call my attention to it, I will tell you; I should know it on the instant if I heard it, but I do not remember it.

Q. You do not remember it? A. No, sir; I do not remember it.

Q. Was it an individual or a company? A. An individual, I think, it was.

Q. Your engineer, Cox, lives on Long Island, or in the outskirts of Brooklyn, does he not? A. He lives somewhere at a place called —

Q. Well, a little distance outside of Brooklyn? A. Yes, sir; two or three miles outside.

Q. Had you him in your mind when you said it was some man in Brooklyn? A. No; I said to you positively, neither directly nor indirectly, have I ever been interested in furnishing any supplies to the police department from any source whatever.

Q. I did not ask you that just now; I asked you about your engineer? A. I suppose that was the inference that you brought up; I will answer the question, if you will put it.

Q. Do you know whether Sam Cox, your engineer, or his son, had anything to do with the furnishing of the lumber and manufacture of the election booths in this city for the year 1890? A. 1890 — that is four years ago.

Q. Yes; in 1890? A. I want to say right here —

Q. Do you know; answer that question? A. I do not know; I do not think he did; I do not believe he did; because I do not know anything about it; I have not seen him, I do not think in seven or eight years; I do not know where he is, or what his business is.

Q. You have not seen whom? A. My engineer's son that you are talking about.

Q. I am asking you about the engineer? A. My engineer?

Q. Yes? A. Why, no; certainly not.

Q. You swear to that? A. Positively.

Q. And if the engineer has made a statement to the contrary, he has stated what is not true? A. That I was interested in the manufacture of them?

Q. Yes? A. I do not believe he made that statement; I have no knowledge that he was ever interested in that in any shape or manner.

Q. Can you state the name of any other concern or individual, who paid your bills in paper money? A. I would not like to undertake to try to make such a statement as that; I could not; it would be impossible.

Q. You can not name any other person who paid you in bills? A. I would not say there was not, because we do to a greater or less extent, get in some bills, but the great bulk of our business is paid by checks and notes.

Q. The great bulk of transactions are with corporations, are they not? A. Not particularly so; no, sir.

Q. Let us see; you supply the Manhattan Elevated railroad with some timber, do you not? A. I have, whenever I have been the lowest bidder.

Q. You are holders of the Manhattan Elevated Railroad Company stock? A. No, sir.

Q. Or any member of your family? A. No, sir.

Mr. Nicoll.—The thought has just occurred to me which the chairman may or may not think is a happy one, but which will perhaps relieve the committee from some of its difficulty in reference to this missing witness. I read from the New York World—

Mr. Goff.—I object to that.

Mr. Nicoll.—The committee has always accorded to me the right to make useful suggestions here.

Mr. Goff.—I object to counsel reading from newspapers.

Chairman Lexow.—I do not see the relevancy of it.

Mr. Nicoll.—You have sent your sergeant-at-arms scouring around this city for the purpose of finding the witness. I find here by the paper that Mr. Granger departed yesterday—

Senator Saxton.—Do you want to give us any information by which we can find him; never mind about reading from the paper.

Mr. Nicoll.—I find, without reading from the paper, that the witness departed highly pleased with himself and surrounded by admiring friends yesterday and I now suggest that the committee inquire whether any of his admiring friends are in court.

Mr. Lexow.—Mr. Goff, you will continue with the examination.

Mr. Goff.—Of course, if it is the counsel's purpose to ridicule this committee, and turn this matter into burlesque, it is for the committee to say whether they will permit him to do it or not.

Chairman Lexow.—We will try to stand it, if you will go on.

Mr. Goff.—I think it is unworthy of my friend; I know he is always ready to perpetrate a joke, but I think it is unworthy of the dignity of the committee that we should be interrupted in this manner.

Chairman Lexow.—Continue the examination.

Q. Can you name any other person who paid you any large sums of money in bills, but the Barnum & Bailey circus people?

A. I would not like to make a statement about that, either one way or the other.

Q. To your knowledge, have any of your deposits been made in the Bowery bank or any other place on your behalf, any large sums of money in bills, except those that you have described as coming from Barnum & Bailey's circus? **A.** I do not know about that.

Q. Will you swear that there have not been such deposits made? **A.** That there has not been such deposits?

Q. Yes. **A.** I will not make that statement.

Q. Will you explain, if you cannot deny that —? **A.** You are going back now, into my personal account, are you?

Q. I am talking about that all the time. **A.** If you will permit me to say, that in the aggregate amount of deposit in my personal account in the Bowery bank from 1889 was about \$64,000, outside of \$58,000 which I received for the sale of my home in Seventy-second street, and a \$25,000 mortgage which I placed on the home in which I am now living, and the aggregate —

Q. Sixty-eight thousand dollars, do you say, exclusive of those two items? **A.** No, \$64,000, and that takes in my salary and investments which I have made during the entire ten years that I have been a police commissioner, because that account always contained that, and it often happened that in my business, whenever my sons were temporarily off for a day or two, or three days or a week, and a little short in their business accounts, that I would furnish them my check on my personal account and they would deposit it in the business account and give me a business check back and I would deposit that in my personal account.

Q. I am unable to grasp the problem as stated between your personal and business account, and I will not attempt to do it. **A.** Well, I think that is plain enough.

Q. What I want to know is, does the \$68,000, which you have described, include all the deposits in what you call your personal account? **A.** Yes, sir.

Q. Exclusive of the money which you obtained for the purchase of your house and some other items? **A.** And \$25,000 that I received for a mortgage.

Q. That is \$64,000 in your personal account? **A.** Yes, sir.

Q. That you have no reference to now, to your business account?

A. No, sir.

Q. Now, I ask you, if either in your personal account or in your business account your deposit slips will show the deposit of large sums of money in bills, other than the the sums of money you have described as coming from Barnum & Bailey's circus?

A. I have stated to you that I could not answer that question; that the deposit slips themselves would show that fact.

Q. Do you know whether or not you received large sums of money in greenbacks from other business concerns? **A.** I say to you that we did receive to a greater or less extent, but a small proportion in bills in connection with the entire business; but they were coming in more or less all the time.

Q. I am speaking of large sums, \$1,000 say? **A.** I would not call that a very large amount.

Q. Did you ever receive from any other source, except from the circus people, \$1,000 in bills? **A.** There is no doubt about that at all.

Q. Did you ever receive from any other concern than the Barnum & Bailey circus people, the sum of \$1,000, at any one time, in bills, in payment of an account for lumber? **A.** I think there is no doubt about that at all.

Q. You have no doubt about that? **A.** No, sir.

Q. Will you name me a person or a concern that has paid you that amount of money in bills, except the circus people? **A.** No; it would be impossible for me to do that.

Q. The bulk of your business is naturally here in New York, in connection with corporate interests, is it not? **A.** What do you mean when you say corporate interests?

Q. I mean exactly what I say? **A.** Do you mean in reference to my public duties?

Q. I say the bulk of your lumber business is carried on with special corporate interests in this city? **A.** You mean railroads and such things?

Q. Take it that way; yes? **A.** I have got a trade among the railroad people, and steamship people, and the theatres and hotels, and the building trade, and with cabinet makers.

Q. You supply the Manhattan Elevated Railway Company with material, do you not? **A.** I have supplied them with a great deal of lumber for the last 25 years.

Q. I ask you if you were a stockholder in the Manhattan company? **A.** No, sir.

Q. You are not? **A.** No, sir.

Q. Or any of your family? **A.** No, sir.

Q. Did you ever receive any dividends from them? **A.** Yes;

once; twice, I think, I did; I had a few shares of the stock which I had bought for an investment, and received two dividends upon it before I sold out.

Q. You were then a stockholder? A. I owned that stock; I purchased it for an investment; I purchased 100 shares outright, and the other I purchased upon a margin and held it about six months altogether, and then I disposed of it, and during the time that I held it, I think I collected one dividend; perhaps, two; I bought it about 1889 or 1890, and I sold it at 115.

Q. You and Colonel Hain, of the elevated railroad, are very intimate friends, are you not? A. No, sir; not particularly so, except in a business way.

Q. You visit at his office frequently, do you not? A. Not very frequently.

Q. You do visit at his office? A. I drop in there two or three times in the course of a year, perhaps.

Q. You supply the Broadway Railroad Company, do you not? A. The Broadway, and the Third Avenue Cable Company, when they made their alterations on the road.

Q. And you are supplying the cable road on the west side now, are you not? A. I am supplying a portion of it.

Q. The Fifty-third street portion, I mean? A. It runs all along Ninth avenue there; they are buying from different lumber dealers.

Q. How many steamship companies do you supply with lumber? A. I supply the Atlas line, and the Cunard line, and the White Star line, with material.

Mr. Nicoll.—I would like to note an objection. This seems to be an utterly irrelevant inquiry, into his private business.

Senator O'Connor.—The objection will be overruled, because we have held that the nature of this inquiry is such that the private affairs of the officers of the police department may be gone into to any extent for the purpose of proving the amount of property that they have now. The charge is, that these men have become wealthy by illegitimate means, and we think they ought to be glad of this opportunity to show that the charge is false. It is not necessary to repeat that.

Mr. Nicoll.—No, it is not necessary to repeat it when it is stated in wholesale language as that, but at the same time, apart from the desire of the witness to refute the imputation of dishonesty upon him, it seems that the inquiry is going too far into one's private affairs.

Senator O'Connor.—The inquiry into the private affairs will will only be permitted, so far as tending to show his connection

in the public capacity—it may be disagreeable, but that is one of the instances a man assumes when he takes a public office.

Mr. Nicoll.—How can his dealings with Colonel Hain and the elevated road or his dealings with the Third avenue road have any reference to his position as a police commissioner?

Senator O'Connor.—Only to show the nature of the business and the means that he had in accumulating this large private wealth that he is charged with now having, and it is also charged that a portion of this private wealth is the result of illegitimate property by reason of his position as police commissioner.

The Witness.—I am not worth any more to-day than I was when I went into public life.

Mr. Goff.—We know of a gentleman of great prominence who stated that he was only worth \$5,000. And in a few years he was reputed to be worth millions.

A. I claim to be worth \$400,000, and I was worth that before I went into the police department; I am worth to-day that amount, no more and no less, and I have had an income from my real estate of \$25,000 for the last 15 or 20 years, but I cannot remember every little particular item in a business where I handled sixty or seventy million of dollars.

Q. So you are no richer to-day than you were before you were appointed police commissioner? A. No, sir; I do not think I am worth a dollar more than I was when I went into the police department.

Q. Where did you live when you went into the police department? A. My recollection is that I lived at 146 West Seventy-second street.

Q. Are you not gravely mistaken in reference to that? A. I do not think I am; I bought the house in Seventy-second street, I think it was in 1883, and I went into the police department in 1884; I might have bought it just about the time I went into the department; it may have been within a month or two.

Q. When were you appointed to the department? A. I was first appointed on the 24th of November, 1884.

Q. Where were you living in 1884? A. That is where I think I was living, 156 West Seventy-second street; it may have been that I did not get up there until the spring of 1885, but I think I went there in 1883 or 1884, the spring of 1884.

Q. Were not you living at 427 West Forty-seventh street, when you were appointed police commissioner? A. I lived there for 18 years; I bought that house in 1868, and my recollection is, that I sold that and bought in Seventy-second street, I think it was in 1883; it may possibly have been in 1884; it may have been within a month or two after I went into the department, but it

was just about that time; if you have the record, I will admit the record of the date, whatever that may be.

Q. Is it not a fact that you actually lived with your family at 429 West Forty-second street, when you were appointed police commissioner? A. I have given you my very best recollection of that now; it may be possible that I lived there; I bought that house in 1868 for \$18,750 and I lived there until I bought the house in Seventy-second street.

Q. And then when you lived there and when you were appointed commissioner of the police department, you were worth \$400,000?

A. Yes, I think I was.

Q. And you were as rich then as you are now? A. Yes, sir.

Q. And you bought that house for \$18,000? A. Eighteen thousand seven hundred and fifty dollars.

Q. What real property did you own at that time? A. My business property — do you mean that?

Q. I mean when you were appointed commissioner? A. I owned my business property.

Q. That is your lumber yard? A. It amounts to over \$200,000; my buildings and machinery there.

Q. And you own that to-day? A. Yes, sir; I owned that much then and since; it cost me about \$200,000.

Q. What else did you own? A. In 1884, then I owned a house in Newark and several lots which I have owned for 16 years.

Q. In Newark? A. Yes, sir.

Q. Did you give that away to anyone? A. No, sir.

Q. Is it your property yet? A. Yes, sir.

Q. Was that house rented in Newark? A. No; my mother lives in it.

Q. It is in your name? A. Yes, sir.

Q. She lives there yet? A. Yes, sir; she is 90 years old.

Q. What other real property did you own in 1884? A. I think that will cover pretty nearly all about that I own; \$250,000 in my business; the house in New York and the Brooklyn property — or the Newark property, I mean.

Q. What do you value that at? A. The Newark property?

Q. Yes? A. It cost me about \$17,000.

Q. Seventeen thousand dollars, and your house in Forty-seventh street was how much? A. I gave \$18,750 for it.

Q. Is that all the real property that you own? A. I had a house, 114 Forty-seventh street, which I bought in 1862.

Q. How much was that worth? A. I sold that for \$10,000.

Q. You sold that before you were appointed police commissioner? A. Yes, sir.

Q. I want to know the property that you had when you were

appointed police commissioner? A. I gave you all except the lumber account.

Q. You have given that at \$200,000? A. That is only my business and machinery — that is only my plant.

Q. Your lumber and plant and business machinery and property, altogether, what did you value it at, at that time? A. I have valued it at pretty nearly \$300,000 altogether.

Q. Now we have had it at the time you were appointed, you were the owner of your business plant, stock and the property in your lumber yard, which you value at \$300,000, and you own property in Newark, which you value at \$17,000, and you own property in New York, the house you live in, at \$18,000; is that all? A. I should think that was about all.

Q. That makes \$335,000.

Senator O'Connor.—Three hundred and thirty-five thousand seven hundred and fifty dollars.

Q. Well, the house in Forty-seventh street was \$18,750; we will say in round numbers that it was \$335,000? A. Yes, sir.

Q. What money had you then? A. I had the money in my business necessary to carry it on.

Q. Then you include that in your estimate? A. Yes, sir; when I think of that I estimate it at about that.

Q. Outside of the estimate you have mentioned, what money had you? A. I do not know; of course I always had money in my business.

Q. Can you tell us what money you had? A. Not particularly in 1884.

Q. Had you a deposit in bank in 1884? A. Yes, sir.

Q. How much? A. We were depositing right along; carrying along our balance.

Q. How much can you say in money did you carry in 1884? A. You mean an average balance?

Q. I want to know; you have stated that you had so much property? A. I can not tell you; it may be up to-day and down to-morrow the way the account ran.

Q. You have stated voluntarily of your own motion; you were not asked; you stated voluntarily, that you were as rich at the time you were appointed police commissioner as you are to-day; having made that voluntary statement, the committee would be interested in your showing the figures that make up your wealth? A. I will be very glad to give any information that I can.

Q. I ask you, outside of the valuation which you have put upon your real property and your business interest, amounting to \$335,000, what other property, real or personal, did you

possess? A. There is no doubt but that I had some personal property of some kind, but I can not recall now exactly what it was; I had three lots in Greenwood cemetery at that time, which I have not included.

Q. You have those three lots yet? A. Yes, sir.

Q. We can exclude those then? A. I did not include anything of that kind in my estimate.

Q. Outside of your lots in Greenwood cemetery, will you give us any other property, real or personal, that you owned, when you were appointed police commissioner, outside of what you have given here? A. It is impossible, absolutely impossible, for me tell you what personal property I may have had in 1884; I may have had some little investments in stock or something of that kind; I can not recollect everything that I owned.

Q. Did you have stock? A. I think, more or less; I have had some little stock for 20 years or more.

Q. What stock did you have? A. In 1884?

Q. Yes? A. If I should make a statement at all in connection with that, I should think that I had some Consolidated Gas stock at that time.

Q. Don't say that you think; I want the fact? A. I had a little of that.

Q. I want you to state, if you can give this committee a description of any property, real or personal, of any kind or description whatever, that you were the owner of in 1884, outside of the property that you have described? A. I have given you to the best of my recollection; I have given my recollection.

Q. I find, from the record here, that you purchased the house in Seventy-second street, 222 east of Tenth avenue, 20 by 100 feet, on July 1st, 1886; that is two years after you were appointed police commissioner? A. I did not know that it was so long after my appointment.

Q. And you paid \$46,000 for that property? A. I think \$44,000 was the price of it; the deed was \$46,000, but the agreement was \$44,000.

Q. Did you pay that in cash? A. No, sir.

Q. How did you pay it? A. I gave the money—I did not wish to draw it all out of my business at that time; I think I paid \$5,000 down and gave a second mortgage, payable \$2,500 every six months, and that left a first mortgage which I paid off in three or four years afterwards; I sold my other house in Forty-seventh street in the meantime.

Q. The person from whom you bought your house was Mr. Hamilton, the builder, was he not? A. Yes, sir.

Q. My attention was diverted when you spoke of the terms of the purchase? A. I said that my recollection was of the terms of purchase that I gave \$5,000 down, and that I gave a second mortgage, payable \$2,500 each six months, until the second mortgage was completed and the first mortgage of \$25,000 was held by some institution; I think it was paid about five years afterwards.

Q. When did you pay off that second mortgage? A. I think I paid that off running through a period of a year or a year and a half.

Q. Did you get a satisfaction piece? A. It left about \$14,000 and I think it took about two years to pay it off.

Q. Did you get a satisfaction piece I asked you? A. Yes, sir; I must have; it must be on record.

Q. And that was recorded you say? A. I should think it was.

Q. You know that the second mortgage that you gave to Mr. Hamilton was recorded, do you not? A. It must have been I suppose; I did not attend to that.

Q. You got back the bond did you not? A. I must have; I suppose.

Q. Did you get it in your hand? A. No, sir; when I sold that property to Mr.—his lawyer may have got the paper; I am willing to accept the record, whatever it may be.

Q. I find by the record that on the date of purchase, July 1, 1886, that you gave a purchase-money mortgage to George C. Hamilton for \$16,000 on that house; how do you explain that? A. Then the consideration is \$46,000.

Q. Forty-six thousand dollars? A. If I give \$5,000 in money and \$16,000 on a second mortgage, the first mortgage was \$25,000 and that makes it \$46,000.

Q. Twenty-one thousand dollars and \$25,000 makes \$46,000? A. Yes, sir.

Q. Then you were mistaken when you said that you gave a mortgage in a different amount? A. No, I did not state that; I said the second mortgage was made so that I could pay it off at the rate of about \$2,500 every six months.

Q. How shortly after, was that \$16,000 mortgage paid? A. I could not recall particularly about that.

Q. Has it been paid at all? A. Yes, sir; it has been paid.

Q. You paid that next year, did you not? A. I should think not.

Q. The record shows that you paid it on June 29, 1889, less than one year after? A. Then I must have paid it then.

Q. So you cleared off \$16,000, the second mortgage, just in one year? A. I think I can give a reason for that; I sold the house

429 West Forty-seventh street, that I had purchased in 1868 and gave \$18,750 for, I sold that for \$16,000 after I had purchased the house in Seventy-second street and the money received from the sale of that house, was applied to the payment of the mortgage upon this other house and I think as to the \$25,000, that I paid that off about in the neighborhood of five years afterwards.

Q. When did you sell the Forty-seventh street house? A. I should think it was sold along eight or ten months after I moved in Seventy-second street.

Q. Who did you sell it to? A. I do not remember his name; he is some tailor on Eighth avenue.

Q. How much did he pay you for it? A. I think he paid me \$15,000 or \$16,000; it might have been \$14,500 or \$14,700; but it was in that neighborhood.

Q. Was the property in your name? A. No, sir; I think it was in Mrs. McClave's name — my wife's name at that time.

Q. And that is part of the property that you have given us as your assets when you were appointed police commissioner? A. I think that is true.

Q. So that may be struck out; the \$18,000 may be struck out of that estimate of yours? A. Yes, I think that is true.

Q. Strike out then the \$18,000; is there anything else to be stricken out of your estimate that you have given us? A. No, sir; whatever money I got from it I used in the payment of the Seventy-second street house.

Q. I am talking about your own property? A. Let me say this to you, please, about that; that that house had a mortgage of \$6,000 on it, which was on at the time that I purchased it, and it was on at the time that I sold it, so that the equity in that property —

Q. Do you swear here that Mrs. McClave conveyed that house to this alleged purchaser? A. I am not so sure of that.

Q. Are you sure of anything at all? A. Yes, sir; I am sure there is no such — I think I am pretty clear; you are carrying me back so many years —

Q. Can you not pin yourself down to a matter of this kind? A. I can not recollect positively whether — that was our home — whether it was in Mrs. McClave's name or not; I have a sort of a slight recollection that it was; that I had given it to her as a home for my family back in 1868, but it may have been in my own name; I may be mistaken about that.

Q. Will you swear that you executed a conveyance of the Forty-seventh street house to any person? A. I will stand by the record, whatever that may be.

Mr. Nicoll.—Is not that a fair statement to the committee; I

appeal to the committee for the protection of this witness; is not that fair. Let us see the record.

A. I will stand by the record, whatever it is.

Q. No; this is my private memorandum and I do not propose to furnish the witness with information? A. When I say that I am ready to stand by the record, I do not see that I can do anything more than that.

Q. I want to get your knowledge of the matter at the present time? A. I am giving you the very best knowledge that I have in reference to it.

Senator O'Connor.—The idea of the committee is this; the material inquiry is how much was Mr. McClave worth when he was appointed police commissioner and how much is he worth now. He may be mistaken about the details that make up his property, whether it was owned by his wife or himself or whether he conveyed it or his wife conveyed it, but the record will show. We simply want the facts and we think that will do.

A. My wife never had any property or anything of that kind in her possession, except it may have been that house.

Q. I will act upon the Senator's suggestion; give us a statement in reference to that property? A. There was a \$6,000 mortgage upon the house at the time it was bought and at the time it was sold.

Q. There is a search that I have here against John McClave and Charlotte McClave and up to April 18, 1894, there was not one conveyance found having been made by your wife? A. Then in that case that appears conclusively that the house was in my own name.

Q. Then we will see about that? A. I certainly know that I bought it in 1868 and I paid for it and lived in it for 18 years.

Senator O'Connor.—Then perhaps you are better off than you thought you were, if you own it yet.

The Witness.—I only know that in carrying my memory back, it occurred to me that in those days, I was dealing extensively with speculators in the lumber business and that it was a risky business, and it ruined me once, and I put the little capital that I had in Mrs. McClave's name, but I may be mistaken about that. At the time of my difficulty there was turned over everything that we had in the world for the benefit of our creditors, and we left ourselves completely stripped. We did not keep anything.

Q. When was that failure? A. That was the failure of the firm of my brother and myself.

Q. When was that? A. In 1870, about 24 years ago.

Q. Well, from 1870 up to 1884 — A. I think I was about 21 years of age at that time.

Q. From 1870 up to 1884, the time of your appointment, as police commissioner, you had overcome your difficulties and accumulated a property of about \$300,000 or \$330,000 in value? A. That is correct; I was entitled to it, considering the business that I did.

Q. This house in Forty-seventh street — I want to be perfectly fair with you — A. Well, I want to be the same way with you.

Q. The record shows that Mrs. McClave had not title to the house and that she did not convey it; now, can you tell this committee, of your own knowledge, whether you had title to that house? A. I must have had it then.

Q. We will see (referring to memoranda)? A. If she did not have it, I must have had it.

Q. Let us see; here is a search from John McClave from November 24th to date, the date being April 12th, 1894, when were you appointed police commissioner? A. November 24th, 1884.

Q. You lived in the house in Forty-seventh street when you were appointed, did you not? A. I do not say that I did; I had an idea that I did, but you corrected that.

Q. You had that house, as you think you had, when you were appointed police commissioner, in Forty-seventh street? A. I certainly did not move out of one, until I had the other one to go into.

Q. I call your attention to the search against you, up to date, including that time, and see if you see any conveyance from you to any person, of that house in Forty-seventh street — you can commence here? A. Then your search is not complete; that is all.

Chairman Lexow.—It may have been held in the name of some other person.

The Witness.—No; it was not; I never had any property in the name of any other person.

Q. To whom did you sell it? A. I sold it to a tailor, No. 429; if you will send up there — he is still living in the house and you will get his name; I had never met him until then; it was sold through the brokerage office of George W. Decuner, real estate agent at Broadway and Forty-second street; I certainly do not own it now.

Q. You remember that either you or Mrs. McClave sold that house? A. The house is sold, certainly.

Mr. Nicoll.—Does it not appear in your slip — that is, the second time we have caught you.

Q. What is this place that you executed a lease of a house in Forty-seventh street; that has nothing to do with this house, has it? A. No; that was some business arrangement.

Q. You got a lease of that, did you? A. Yes; he has a tenant of mine for 10 years.

Q. So that this record, this search of the Lawyers' Title Insurance Company of New York shows that there has been no conveyance from you or from Mrs. McClave of that house in Forty-seventh street? A. Well, I still say that I do not own it now; I did own it in 1868, and I sold it.

Q. Sold it in 1868? A. I bought it in 1868, and I sold it at the time I bought the house in Seventy-second street, and if your records do not show that; it is not my fault.

Mr. Nicoll.—He may have lived in it as a tenant.

The Witness.—No; I lived in it while I owned it only, and when I bought the house in Seventy-second street, I sold that house, and the money that I got from it was put or used in part payment for the house that I purchased in Seventy-second street.

Q. How near together were those two transactions? A. They were very close together—that is to say, within a year.

Mr. Nicoll.—The deed was never recorded, then?

Mr. Goff.—As we show here and as you have recognized you purchased the house in 1886 in Seventy-second street.

The Witness.—Your record shows that—what part of 1886 was that?

Q. July 1, 1886; two years after your appointment as police commissioner. A. Then I moved from Forty-seventh street.

Q. Yes; up to Seventy-second street? A. Yes, sir; then the house in Forty-seventh street was sold within a year after the house in Seventy-second street.

Q. Was it purchased directly or within a year? A. Within a year say.

Q. And you can not give us the name of the man who purchased it? A. I had never seen the man up to the time that the title was passed.

Q. Did you rent the house at all? A. No, sir.

Q. Did it remain vacant? A. It remained vacant until I sold it; I could not get as much for it as I thought I ought to have, and it remained vacant for a number of months.

Q. And the man to whom you sold it lives in the house now, do you say? A. I understand that he does; I have never seen him from that time to this; could it be possible that he could take a title and not put it on record?

Chairman Lexow.—It is sometimes done.

The Witness.—Could he hold his deed—that was not my business, was it? I will tell you a thing that will help you; that title was searched and passed by the law firm of Stickney, Spencer & Ordway, and they will give you the information about it that they have.

Q. I find a memorandum on the book of another search which shows that your wife sold that house—I want to be just with you—on December 17, 1886? **A.** Well, I thought so.

Q. Subsequent to the purchase of the house in Seventy-second street? **A.** Yes, sir.

Senator Saxton.—Is the consideration stated?

Mr. Goff.—No.

Q. Your recollection is that the consideration was \$16,000? **A.** Yes, sir.

Q. Do you know how that was paid? **A.** There was a mortgage of \$6,000 on it, and they gave me bills for the difference, excepting they gave me a little second mortgage of \$2,000.

Q. Then there was a difference of about \$11,000 paid to you at that time? **A.** Yes, sir; at the time of the sale; I remember that they paid it in the office of Stickney, Spencer & Ordway, and they gave me a mortgage of \$2,000.

Q. Then the amount actually paid to you was \$9,000? **A.** Yes, sir; about that.

Q. Then we were correct in striking that item, the value of that house, \$16,000 or \$18,000, out of your assets? **A.** Yes, sir; less that mortgage.

Q. No; the value of the house? **A.** Well, there was a \$6,000 mortgage on it.

Q. So the sale of the house in Forty-seventh street had nothing whatever to do with the purchase of the house in Seventy-second street? **A.** Except the fact that I told you, that when that house was sold, I used the proceeds of it for the purpose of paying off the second mortgage on the Seventy-second street house.

Q. That is the only element that it had? **A.** Yes, sir; about \$9,000.

Q. When did you sell that house in Seventy-second street? **A.** I sold it when I bought the one that I am living in at the present time.

Q. How much did you sell it for? **A.** Fifty-eight thousand dollars.

Q. It is \$56,000 on the record? **A.** I think it was \$58,000, and I think they gave me \$3,000 when they signed the contract and \$55,000 when they took the title.

Q. A \$55,000 check? **A.** Yes, sir; the house I calculated that I made about \$14,000 on.

Q. When did you buy the house in which you are now living?
A. About the same time that I sold that.

Q. How much did you pay for that? A. Seventy thousand dollars; there was \$45,000 mortgage upon it, and I took \$45,000 of the \$55,000 that I received from the other house, to pay that mortgage off.

Q. When did you buy the property that you have in the country? A. I purchased that about a year ago.

Q. How much did you pay for the ground? A. Twenty-five thousand dollars.

Q. There are eleven acres in that? A. No; five acres.

Q. How much an acre did you pay? A. I gave a little less than \$4,000 an acre for it.

Q. How much did it cost you to build the house? A. I think about \$28,000 to \$30,000.

Q. So that property stands you in \$50,000 or \$60,000? A. Yes, sir; \$25,000 of that I placed a mortgage on the house that I live in now.

Q. You have a house now valued at how much in Seventy-second street? A. According to what I gave for it the equity is—

Q. Give us the price? A. I have \$45,000 equity in it.

Q. And there is a mortgage on that of \$25,000? A. Yes, sir.

Q. Is the property in the country free and clear? A. Yes, sir.

Q. That makes about \$100,000? A. About \$53,000.

Q. The equity in the city property and your country property is about \$100,000, is it not? A. Yes, sir; about that.

Q. Did you buy any other property then that you have described for any person? A. No.

Q. In any State outside of New York? A. No, sir.

Q. Do you own any property in any State outside of New York?
A. No, sir.

Q. Where does your son-in-law, Mr. Higgins, live? A. In New Rochelle.

Q. Who owns the property that he lives in? A. He has got a little home there costing him \$6,000 or \$7,000.

Q. Is it in your name? A. No, sir.

Q. Was it ever in your name? A. No; he bought it himself, and I have nothing to do with it.

Q. How much money have you got in bank? A. At present?

Q. Yes. A. I do not think that I have very much; it has been very dull the past year, since my fire.

Q. You got over \$30,000 insurance on your fire, have you not?
A. That does not last long in my business; it is going in and out all the time.

Q. You say you have had a dull year in your business? A.

Yes, sir; the last year I was almost standing still for three or four months; I had my stock and office and stables burned out.

Q. Well, your business was standing still and your deposits in the bank must have necessarily been very few? A. No; we were doing some business all the time, but it was not so much.

Q. How could you do business if you were burned out? A. We were getting in stock and disposing of it all the time.

Q. You have sent for your bank passbooks, have you? A. Yes, sir; did you send me to send for my office bankbooks, too?

Q. No. A. I have sent for my private bank passbook.

Q. Did you ever collect any other sum of insurance than the \$30,000 that you have spoken of? A. You mean fire insurance?

Q. Yes; fire insurance. A. I have been insured, as a rule, for a long period of years for about \$250,000.

Q. In various companies? A. Yes, sir.

Q. How many fires have you had? A. I have had during that time—I have paid about \$220,000 for premiums, and I have received about \$50,000 fire losses.

Q. How many fires have you had? A. Two.

Q. Within what period of time? A. Since 1864; neither one broke out on my own premises.

Q. I asked you before to name the corporations to which you supplied lumber in this city? A. I can name them in a general way, running back over a period of years.

Q. Give us the names of such corporations for the last five years? A. Several steamship companies; I will answer right here, if you think that my position as commissioner has ever had anything to do in my lumber business that you are very much mistaken; it has never had anything of the kind whatever to do with my business; I have got it simply because I was entitled to it, and for no other reason; and the question of my position as commissioner has had nothing to do with it.

Q. Did you ever supply a tie of timber to Mr. Crimmins as a contractor before you were commissioner? A. I don't know whether he ever used any before that time.

Q. That is not answering my question; did you ever supply him with a tie of timber before you were appointed a police commissioner? A. I never supplied any tie; no, sir.

Q. Or any lumber of any description whatever; did you ever supply to Mr. Crimmins any lumber before you were commissioner—did you or not? A. I don't know whether I did or not; I can not tell how long I have been supplying him with lumber.

Q. Will you swear he did get lumber out of you before that? A. I can not tell how long he has been upon my books, but I think I did.

Q. Will you swear that you ever had any transaction before that with Mr. Crimmins as a contractor, in furnishing him with lumber, before you were police commissioner? **A.** You want to make me answer something that is not fair; how can I swear to a thing running back 10 years; I do not recollect; but my best recollection is that John D. Crimmins has been upon my books for 12 or 15 years; he bought very little lumber, probably not more than a couple of thousand dollars worth a year; and in reference to this question about the cable roads; they were not charged to Mr. Crimmins; they were charged to the Third Avenue Railroad Company and the Broadway Railroad Company; I was only one of half a dozen lumber dealers who sold them material.

Q. It is very easy for you to say what your books show, when your books are destroyed? **A.** You can put Mr. Crimmins on the stand, and I will be very glad to have you do so.

Chairman Lexow.—Do not make those remarks; if you will answer the questions categorically, there will be no trouble and we will get to the point much more rapidly.

Q. Will you swear that you have supplied a foot of lumber to the elevated railroads, before you were appointed police commissioner? **A.** Yes, sir; a great deal more than since I was appointed.

Q. Are you clear about that? **A.** Yes, sir.

Q. Have you a record of that? **A.** No; but you can go to the railroad people for a record.

Q. You are clear about that? **A.** I told you my books were destroyed, and I am perfectly willing to have you put them on the stand and let them produce their books; I will be glad to have you do that.

Chairman Lexow.—Do you not see that these remarks simply lengthen out this matter. If you will answer yes or no, we will get through more rapidly. If you do not know, just say so.

The Witness.—I am trying to be as truthful as I can.

Q. Name the steamship companies to which you have furnished lumber? **A.** The Cunard, the Atlas, the Anchor, the National and the White Star; I think that is about all.

Q. The amount of lumber that you supplied to those companies is not very great, is it? **A.** Some of them run from \$25,000 to \$30,000 a year.

Q. Name to us one of the companies that runs up to that amount? **A.** The Atlas and the National; I should think the National would run about \$30,000 or \$35,000 a year.

Q. When did you first commence to supply the National line with lumber? **A.** I do not know, but a good many years ago.

Q. Before you were a police commissioner? A. I do not think they were in existence then.

Q. The National line not in existence before you were police commissioner? A. No; they run a line of business—there may have been passenger steamers, but this that I furnish you is for cattle steamers.

Q. Then you did not supply the National line of steamers with lumber before you were a commissioner? A. I think not for the cattle trade.

Q. When did you first commence to supply the Atlas line with lumber? A. When they moved up to Twenty-fourth street, near my yard.

Q. When was that? A. That was six or seven years ago.

Q. That was after you were appointed police commissioner, then? A. Yes, sir; those lines that I supplied, moved from down town up close to where my yard is.

Q. I understand the location. What other lines did you mention? A. I mentioned the Cunard.

Q. When did you commence to supply them? A. That is divided up between two or three dealers.

Q. When did you commence to supply them is my question? A. I should think a couple of years ago.

Q. After you were appointed police commissioner? A. Yes, sir.

Q. What is the next steamship line that you supplied? A. What lines have you got—you have the National—

Q. We have got the Netherlands? A. I did not say the Netherlands; I said the National.

Q. We have the Atlas, the Cunard, the National? A. The White Star and the Anchor Line.

Q. When did you commence to supply the Anchor Line? A. They moved up there about two years ago near my place.

Q. After you were appointed police commissioner? A. Yes, sir; I have been commissioner over eight years.

Q. And the White Star, was that after you were appointed police commissioner? A. Yes, sir.

Q. All of these companies, you commenced to supply them with material after you were appointed police commissioner, A. Yes, sir; most of them; just after I was appointed a commissioner, moved up town in the neighborhood of my yard.

Q. They moved to your location, so as to be near you? A. They moved up to Twenty-fourth, Twenty-fifth and Twenty-sixth streets and my yards are Twenty-first street.

Q. It is not often that corporations are so accomodating as that? A. They did not move there for my accommodation at all.

Q. Will you name any firm of builders in this city to whom you supply lumber? A. You mean in the construction of buildings?

Q. Yes. A. We are supplying more or less of them all the time.

Q. Will you give me the name of a single firm? A. I do not have much of a building trade now, because I went out of it after 1872; I have some; I am supplying some houses in One Hundred and Forty-fifth street; we do not solicit that sort of trade.

Q. The truth of it is, the great bulk of your business is done with corporations; is not that the fact? A. After 1870, I tried to get clear of everything that I could in the building line and my trade has been with cabinet makers and others of that kind.

Q. Is not this the fact since you have been police commissioner that the great bulk of your trade has been with corporations? A. I think that is true; I am willing to admit that if it will be of any service to you, but my position of police commissioner has not been used in that connection.

Q. Have you any further voluntary statements to make? A. No, sir; I think not.

Q. Did you make out any checks to Acker, Merrill & Condit? A. Yes, sir; I have made them out; not very large ones; we buy a little in there once in a while; I do not think we have bought anything of them for a year.

Q. Before the last year did not they supply your house with groceries and so on? A. Mrs. McClave ordinarily attended to the household expenses, sometimes I sent a check.

Q. Did not they supply you largely in the way of groceries and cigars? A. Not very largely.

Q. But they supplied you? A. They did somewhat.

Q. Didn't they supply you exclusively? A. No, sir.

Q. Will you say that you did not pay into the firm of Acker, Merrill & Condit for one year, a sum more than your salary as police commissioner? A. Yes, sir I do, absolutely, not one-fifth of it I do not think.

Q. You say you did not? A. I did not, no, sir.

Q. You did not send to them a check or checks in one year aggregating an amount greater than your salary as police commissioner? A. No, sir; I never did.

Q. Are you clear about that? A. Yes, sir; absolutely clear.

Q. In any one year? A. No, sir.

Q. You have an account of all the moneys that you sent them? A. Yes, sir.

Q. Have you got their bills? A. Whatever may be left of them, but I would be very glad to have you produce them as witnesses.

Q. They were destroyed also, were they? A. I will tell you that I do not believe ever in our lives that we have had \$1,000 a year from Acker, Merrill & Condit; Mrs. McClave pays her own bills for goods for household expenses.

Q. I do not wish to try her, but if you wish to bring her in—

Mr. Nicoll.—I think a man's grocery bills should be left where they are; is there any value at all in finding out how much a man pays his butcher or his grocer?

Chairman Lexow.—Mr. Goff has finished, I think, in that line.

Mr. Goff.—I asked a question and he answered it; that has settled it.

Senator O'Connor.—The purpose is to show, I suppose, that he lived at a very extravagant figure.

M. Nicoll.—He has got thirteen children.

The Witness.—I am willing to state generally what my living expenses have been.

By Mr. Nicoll:

Q. You have a very large family have you not? A. Yes, sir.

Chairman Lexow.—Will you continue with your examination, Mr. Goff?

Mr. Goff.—If you wish to follow that up we will do so, if the committee want that.

Mr. Nicoll.—Yes, let us have it all.

Mr. Goff.—We will follow it up if there is no objection.

Senator O'Connor.—You claim in a general way, Mr. Goff, that Mr. McClave's expenses for living has increased very materially now from what they were before he was a police commissioner.

Mr. Goff.—Yes, and the number of the family has not materially increased since he has been appointed a police commissioner.

The Witness.—No, sir; I had the last of my fourteen children sixteen years ago.

By Mr. Goff:

Q. The family you had then, you have now? A. That is what I have had to take care of through my life.

Q. But you did not have half a dozen more servants, before you were police commissioner? A. No; I had three or four though, always.

Q. And you have six now, have you not? A. I should have to count them up.

Q. So numerous that you can not tell? A. Whatever is necessary for the purpose of conducting my household I have; I think we have in the house five servants; we have a cook, a laundress

and a chambermaid; I guess four, and one for Mrs. Granger's little children.

Q. But you did not keep a coachman before you were a police commissioner, did you? A. Yes, sir.

Q. A coachman in livery and a carriage? A. Yes, sir.

Q. And a carriage and four horses? A. Four horses? I don't drive four horses.

Q. Haven't you four horses in the city? A. No, sir.

Q. Have you not four horses in your stable? A. I have got altogether in my business, thirty horses.

Q. I mean your family horses? A. No, sir; I have two horses and my daughter has a little saddle horse—three horses.

Q. How many horses have you in the country? A. I have an old team that I left there.

Q. Now we pick up as we go along, the different horses? A. I left an old team; I bought that team twelve years ago, and they were old and I used them in the country.

Q. They were old when you bought them twelve years ago? A. No; but they are old now; when I left the country last fall, there wanted to be some little ploughing done and I left them for that purpose.

Chairman Lexow.—We do not care, Mr. Goff, to go into all of these little matters.

Q. Have you got a yacht? A. No, sir—I have got a rowboat.

Q. You have rented yachts, have you not? A. I had one one year, five or six years ago; I gave \$200 for it for my boys.

Q. The years that you used Inspector Williams' yacht, you did not pay for it, did you? A. I didn't use his yacht; I never was aboard of it.

Q. Did not your family use Inspector Williams' yacht? A. No, sir; I think one of my sons took a little sail on it once.

Q. Did you ever spend a year at Manhasset, Long Island? A. I spent three years there.

Q. Did you ever have Inspector Williams' yacht there? A. No, sir.

Q. Did your family have Inspector Williams' yacht Elenora there? A. No, sir; my family never did have it.

Q. Wait one moment; we will get along quicker; will you swear that Inspector Williams' yacht was not sent to Long Island where you were for the accommodation of you or your family? A. One of my boys went with Inspector Williams' yacht and took a sail for a day or two that was sent there or was there.

Q. It was sent there because you were living there; is not that the fact? A. I think not; it was a little catboat.

Q. Never mind about the cat or the boat; was Inspector Wil-

Williams there? **A.** You are trying—no, he was not—you are trying to make it appear that he sent some great big yacht there for my family to get aboard of, and there is no truth in it.

Q. Was Inspector Williams there? **A.** He never owned anything in the shape of a boat over 40 or 45 feet long; he had a catboat that cost him \$200 or \$300, and the papers have tried to make out that he had a great steam yacht.

Q. You start in as a defender of Inspector Williams, do you?

A. No; I do not; I think he is able to take care of himself.

Q. The summer you were at Manhasset—I want to know if Inspector Williams was stopping there at that time? **A.** No, sir.

Q. Or his family? **A.** No, sir.

Q. Did his yacht go there? **A.** I think he stayed over one day; he stopped a day or two there.

Q. Was he aboard of that yacht? **A.** I think he was.

Q. You swear to that? **A.** Yes; I remember that he was, because he came over on the island where I was and saw me.

Q. And that was the only time that you or your family or any member of it was upon Inspector Williams' yacht? **A.** Yes, sir.

Q. The only time? **A.** Yes, sir; I never took a sail on it myself.

Q. You have stated that you did not go upon it; you are not very fond of the water, are you? **A.** Yes, sir; I like it very much, but I did not get a chance to take time to go.

Q. You are perfectly familiar and intimate with Inspector Williams? **A.** No more than anybody else.

Q. You are an officer over him? **A.** Yes, sir.

Q. He has been on trial before you? **A.** Yes, sir.

Q. How many times? **A.** I think that during the ten years that I have been in the department that Inspector Williams has been on trial twice or three times.

Q. You voted every time for his acquittal, did you not? **A.** I think very likely

Q. Do you not know? **A.** I should be inclined to say that I did.

Q. You know it as a fact, do you not? **A.** I exercised the discretion allowed me by law.

Q. Do you not know it as a fact? **A.** I do not think that Inspector Williams has ever been found guilty of any charge against him since I have been in the police department.

Q. We all recognize that? **A.** I cast my vote at those dates, and I would be willing to cast it right over again in the same way as I did then; I stand upon the record.

Q. You say you would? **A.** Yes; and I think any fair-minded man who would read the testimony would do the same.

Q. You voted for his acquittal every time? **A.** I think likely I did; not guilty, I think, that is the way I voted.

Q. He was not acquitted on that trial, was he? A. Found not guilty — which trial have you reference to?

Q. The first trial. A. I think the first trial the charge was made by one of the Society for the Prevention of Crime; that was the trial that the papers made such a fuss over.

Q. Never mind about the papers; answer my questions; was he acquitted on the first trial at which you presided? A. Elihu Root and George Bliss and Joel Erhart were his counsel and they —

Q. There is no necessity of saying who were his counsel; answer my question; was Inspector Williams acquitted or convicted? A. I think he was acquitted, and I think he —

Chairman Lexow.—You must not interject these statements. The simple question was whether he was convicted or acquitted? You can answer that. A. He was not convicted, and their statement was —

Chairman Lexow.—Do not say anything more; you were asked a simple question and you can answer that.

Mr. Nicoll.—I will bring all that out on cross-examination.

Q. You say you think he was acquitted? A. I think he was and —

Q. Can not you understand that you must not trifle in this way; answer the question only. A. I say no; he was found not guilty.

Q. I ask the question now, if the commissioners, four in number, then rendered their judgment of not guilty on that trial? A. Yes, sir.

Q. I read to you from the opinion of one of your brother commissioners on that trial, Commissioner Porter? A. That was Mr. Moss' brief that he had —

Q. I am reading from Commissioner Porter's opinion, not Mr. Moss' brief. A. I think General Porter stated —

Chairman Lexow.—There is no necessity of your answering in that way.

Q. Here is the finding of your brother commissioner on that trial that you say Police Inspector Williams, at that time captain, was acquitted—A. That is General Porter's —

Q. Well, yes — "Fourth. The fact that these houses of ill repute — houses of assignation, houses of prostitution, gambling houses, policy and bunco shops — do exist, and have existed, in various parts of the precinct, and that Captain Williams and his force have long known that they existed, and have rarely interfered with them, is sufficient to warrant the conclusion that they are permitted to carry on their nefarious business, if not protected in it. The failure to suppress them, or, at least, to pre-

vent their obnoxious obtrusion upon the eyes of the public, coupled with the fact that when trespassers from them are arrested, the evidence against the offenders is insufficient to hold them for trial, justly leads to the conclusion that the police of the nineteenth precinct are either ignorant of their duty or indifferent to its performance, or that, knowing it, they are restrained from some cause or influence from executing it, except under the pressure of public complaint and exposure. Let the matter be considered that this failure is either the result of ignorance, willful neglect or willful blindness or silence, there is, in my mind, but one conclusion to be derived from the evidence in this trial, that Captain Williams is, and has been, negligent of his duty to the extent as charged of 'conduct unbecoming an officer.'" And after the rendition of that opinion of a brother commissioner you say that Captain Williams was found not guilty? A. I would like to read the brief submitted by Joel Erhart and Colonel Bliss and Elihu Root — you have it there.

Chairman Lexow.— You have a counsel there to attend to that matter.

The Witness.— Very well; I voted not guilty.

Q. Then he was not acquitted, was he? A. I considered that acquitted him.

Q. You considered that acquitted him? A. The motion was made to find the man guilty, and it was not carried; I think he was acquitted.

Q. Your official record shows from your trial books that the vote stood for conviction, Commissioners Porter and Vorhees — A. Commissioner Voorhees wanted to give him a day's fine —

Q. And for acquittal, Commissioners French and McClave; is not that the way it stood? A. Yes.

Q. Then when you said he was acquitted, are you correct in that? A. I considered that an acquittal.

Q. That when two commissioners of the police board give their solemn judgment that a man is guilty and vote for a conviction, you consider because two others say no, that that is an acquittal? A. The motion was on the question of guilt, and it was lost.

Q. Two voted for guilty? A. Yes, sir; and two not; it was not carried.

Q. Do you consider that an acquittal? A. Yes, sir.

Q. That is your idea? A. I think that is the parliamentary rule.

Chairman Lexow.— We can understand that, Mr. Goff.

Q. That complaint to-day is in the police department just as it was; it has never been disposed of? A. No; it is all there.

Q. And you voted for Inspector Williams' promotion to the

inspectorship, notwithstanding the existence of this complaint?

A. Yes, sir; that is right.

Mr. Nicoll.—We have a new police commissioner now and he may take the matter up.

Q. Speaking of the new commissioner, you are reported in the newspapers as saying that you were always glad to vote with your Tammany colleagues in the board, and that you always found them right; is that so? A. I did not make it in that shape at all; I am not responsible for what the newspapers state; I have not seen it but I will state about what I said, that I did not consider it as a part of my duty as a Republican, to be an obstructionist for the purpose of obstructing the business, as long as there was no cause for it.

Q. I will get just what you did say? A. I said I had never known them to offer to do anything wrong.

Q. It was in relation to a charge of unfair treatment in the disposition of appointments to Mr. McLean; do you remember that—do you remember a charge having been made of unfairness in dealing with Mr. McLean, in the matter of apportioning to him the number of appointments? A. I think the Post newspaper made that statement.

Q. Was it true? A. It was not true; I said it was a lie.

Q. You said what was a lie? A. The statement in the Post.

Q. That there was no unfairness to Commissioner McLean? A. They claimed there was unfairness, and I claimed there was no truth in it; he was treated just the same as the rest.

Q. At that time you were reported as saying that you were in the habit of voting with your Tammany colleagues on the board? A. I made that statement publicly; I said that because I never knew them to offer to do anything wrong, and Mr. McLean has always voted with them, too, except on little trifling matters; except on minor matters, there has been no material difference.

Q. You say there has been no material difference between the commissioners? A. No material difference to amount to anything; on the whole, we were pretty nearly unanimous.

Q. On the trial of the last captain that took place; what captain was that? A. Captain O'Connor was tried last; there has been no decision in that case; there were 1,700 pages of testimony.

Q. Do you remember the trial of Captain Price and Captain Martens? A. Yes, sir; very well.

Q. Can you tell us the result of that trial? A. Yes, sir; in the case of Captain Price, five days was the penalty and in the case of Captain Martens it was 30 days.

Q. And you signed the judgment in each case? A. I voted for it; in the case of Captain Price, Commissioner MacLean agreed

with us and made the motion for five days' penalty, and in the case of Captain Martens, it was a question in his mind whether he should be broken or not, and he moved to break him.

Q. Did you hold an executive session before you announced your decision? A. The commissioners did meet in Commissioner Martin's room and went over the testimony.

Q. Did you take a vote in executive session before you took a vote in public? A. No, sir.

Q. Did you express your opinion in executive session? A. We discussed the testimony in there.

Q. And expressed your opinion as to how you would find and vote? A. We all thought there should be a penalty.

Q. Did you express an opinion that you would vote not guilty in each case in executive session? A. No, sir.

Q. Did any commissioner express that opinion? A. No, sir.

Q. Did any commissioner express the opinion that he would vote guilty in each case? A. I think they did.

Q. What commissioner was that? A. Said it publicly—no, I don't think so.

Q. Do you know it? A. I do not remember.

Q. You were present, were you not? A. Yes, sir—you mean to say that one man said, "I move to find them guilty," or "I believe him to be guilty?"

Q. Yes. A. No; there was no such statement.

Q. You are sure of that? A. I think so; I do not remember of anything of the kind.

Q. Does your memory fail you in such a recent occurrence? A. No, sir; but I do not see the necessity of such a statement.

Q. I do not ask you for the necessity; I ask you for the fact? A. I do not remember.

Q. Will you swear there was no expression of that kind? A. I have no recollection of it.

Q. Never mind your recollection; do you swear there was no such expression? A. That is the best that I can do.

Q. It is a handy thing for you, your recollection; will you swear as a fact that, in executive session or secret session of the board, before the vote was announced in public, that one commissioner in that board, did not announce his intention and his opinion of voting guilty, and that the defendants were guilty? A. No, sir; I do not think so.

Q. Will you swear that such expression was not made? A. I have no such recollection; that is the best I can swear to.

By Senator Bradley:

Q. Would you remember if it occurred? A. I think I would remember if it occurred.

By Mr. Goff:

Q. If it occurred, you think you would have remembered it?

A. Yes, sir.

Q. Will you say that a commissioner did not say that they were each guilty and should be dismissed from the force? A. No, sir; no commissioner made any such statement.

Q. And Commissioner MacLean said that Captain Price should have five days—did any commissioner at the secret session say that each of the captains were not guilty and should not be fined? A. No, sir.

Q. That was not said? A. No, sir.

Q. Was not the judgment of the commissioners in that case the result of a compromise? A. I think not.

Q. Will you swear it was not? A. Yes, sir.

Q. Positively? A. Yes, sir.

Q. It was not the result of a compromise of conflicting opinion had in secret session? A. No, sir; I think there was no compromise.

Q. Never mind what you think; what is the fact? A. I say positively there was no compromise, if you will permit me to tell the whole matter.

Recess.

AFTERNOON SESSION.

May 22, 1894.

Present.—The complete Senate committee and counsel as before.

Mr. Nicol.—Before the committee proceeds with the examination of Commissioner McClave, I wish to very briefly make a statement to correct what must have been an unintentional misrepresentation of remarks that I made to the committee at the opening session of the morning in certain of the public journals. I am reported as having said, with some presumed knowledge of his whereabouts, that the witness Granger would never again appear before the committee. I believe the committee will accept my declaration that I know nothing about the witness Granger, nor do my clients. He was with Mr. Goff, as Mr. Goff stated, until a late hour last night, and that he was confidently expected by him, as he was by me, to appear before the committee here this morning. Now, that I wanted him to appear, that I was most anxious to have him appear, that I am most anxious to have him appear, there is no matter of doubt. I went over with Mr. McClave last night, and had in my possession the proofs of 20 forgeries.

Mr. Goff.—Is that proper?

Chairman Lexow.—No, that is not. That is not right, Mr. Nicoll; it is not right for the reason that it is a species of incrimination as against our witnesses. We are bound to protect him. We expect him here. We have no reason to believe he won't appear at some time; and it is not right that any statement be made that will notify the witness that there are either criminal prosecutions intended, or anything of that kind. It must have the effect of making the witness appear against his will, or not at all.

Senator Cantor.—But he has not appeared.

Mr. Nicoll.—He is now in contempt of the committee.

Chairman Lexow.—We will attend to the committee part of it.

Mr. Nicoll.—He is now guilty of a crime towards the committee.

Chairman Lexow.—We understand this, that every man that goes on the stand here before this committee, takes his reputation and almost his life in his hands, and we are bound to protect him, if we can.

Mr. Nicoll.—Will you not permit me to at least state I myself have reasons for desiring the appearance of the witness.

Senator O'Connor.—No, it is not necessary. If you state you desire it, that is enough. There is no reason for your stating your reasons for desiring it. I think it is entirely out of order. If you are misrepresented it is proper that you should correct the misrepresentation, but otherwise, it is improper that you should say what you did say.

Chairman Lexow.—Let us continue,

John McClave, again takes the stand.

Direct examination by Mr. Goff:

Q. Before you left the court room last evening, you threatened to have Granger arrested, did you not? A. I don't about that; I may have said he ought to have been.

Q. Answer the question, sir; did you not threaten to have him arrested, if he appeared here in the morning? A. I said that he ought to be arrested.

Q. Didn't you say you would arrest him? A. No, I did not.

Q. Will you swear, Mr. McClave, that you did not say you would have him arrested and sent to States prison? A. Not this morning.

Q. Didn't you say last evening in the courtroom, and with clenched fist, leaning across that table, while Granger was passing, to hear that you would have him arrested and sent to State's prison, by God; didn't you say that? A. No; I did not use such language at all.

Q. Will you swear you did not? A. Yes, sir; I will swear I did not make that statement in the way you are putting it.

Q. Will you swear you did not state in his hearing? A. In whose hearing?

Q. In Granger's hearing, while he passed this table last evening, that you would send him to State's prison, where he ought to be? A. I did not speak to him.

Q. Didn't you speak to me while Granger stood at this side of the table, and with clenched fist say, I will send that fellow to State's prison; didn't you say that? A. I don't think I did.

Q. Will you swear you did not? A. No, I won't.

Q. No, you will not? A. No.

Q. Now, Mr. McClave, yourself and your counsel here have spoken of this witness Granger, whom, I may ask the committee's pardon to say, that within 48 hours, was the first time I ever saw the man in my life—you and your counsel have stated here something about foregries in connection with this man Granger, haven't you?

Mr. Nicoll.—I have.

Q. You have? A. Mr. Nicoll has made that statement.

Q. Haven't you said he was a forger; you said yesterday in court, and addressed the committee, and called him a forger? A. Yes; that is what I called him.

Q. And your counsel stood up here in court yesterday evening and shook a number of papers in his hand at the witness, did he not; you saw that? A. I did; yes, sir.

Q. And did you not state to a gentleman here in the courtroom that those were the forged instruments; the forged papers you had reference to? A. I do not remember whether I did or not.

Q. Will you swear you did not? A. No.

Q. How long have you had those forged papers, if they are forged, in your possession? A. Well, they have been in the possession of Messrs. Parsons, Shepard & Ogden.

Q. How long have they been in the possession of you or your counsel, or anybody connected with you in any manner without criminal proceedings? A. Some have run along a year and some a week or two.

Q. You testified you found he was a forger within thirty days of his marriage? A. Yes, sir; that is true.

Q. Did you get the forged instrument in your possession? A. It is the note he claimed Mr. Judd gave him.

Q. You have had that note for six years? A. I have his statement.

Q. You were convinced of his truth, were you? A. According to his own statements —

Q. You were convinced of his truth? A. I was satisfied he was telling me the truth; and it was when he told me that that —

Q. You kept that forged instrument in your possession for six years, did you not? A. I do not know where it was during those years, but possibly it was in the hands of counsel.

Q. It was either in your hands or the hands of your counsel? A. Yes, sir.

By Senator O'Connor:

Q. Did you ever say anything to Mr. Judd about that note? A. No, sir.

Q. Or about the forgery? A. No, sir.

Q. Did you ever say anything to him, or communicate with him in any way in reference to that alleged forgery? A. No, sir.

By Chairman Lexow:

Q. Did you present the note for payment? A. No, sir; Mr. Judd sent word to me last night, and he was here this morning.

By Mr. Goff:

Q. Were there any other papers alleged to be forged by Granger? A. Well, there are a whole lot of checks.

Q. And in whose possession have these checks been; yourself or your counsel? A. They have been in my own hands, or my counsel's.

Q. And covering a period of some three or four years? A. I should think so; yes.

Q. When did Granger leave your house? A. The 22d of February.

Q. Of this year? A. Yes, sir.

Q. And for six years, this man whom you believed to be a forger, and of whose forgery you had what you considered written evidence in your possession, was a member of your family for six years? A. I so stated; I was trying to reform for a member of my family.

Q. He was a member of your family for six years? A. Yes, sir.

Q. And he ate at the same table with you? A. Yes, sir.

Q. And he went to the country with you, to your country house? A. Yes, sir.

Q. And he partook in all the pleasures and relaxations of your family? A. Yes, sir.

Q. And this forger, you kept by you in your house, a member of your family for about six years? A. Substantially so, yes, sir.

Q. And you never threatened to send him to State's prison, until last night, until he testified against you? A. I told him a number of times he either properly belonged in the State's prison, or in the lunatic asylum; and he said he would go to either place, it didn't make any difference.

Q. Did you take any steps last night to initiate proceedings against him? A. I have not.

Q. Have you authorized them? A. No, sir.

Q. Have you authorized anyone to take proceedings against him criminally? A. Mr. Nicoll talked with me last night, and what he has done about it, I do not know.

Q. Haven't you advised about taking criminal proceedings against Granger? A. No; but on the contrary, I have tried to avoid it.

Q. Didn't you last night? A. I did not advise such a thing.

Q. Were you advised? A. I am inclined to think Mr. Nicoll said that was the proper course to pursue.

Q. Was he ever in your business? A. No, sir.

Q. This Granger? A. No, sir.

Q. Did he ever represent you in any business? A. No, sir.

Q. In any capacity? A. No, sir; you mean my regular lumber business, don't you?

Q. I am asking you in any business? A. I put him in a small business, to try and let him have a chance to make some living.

Q. That is the Yankee White Manufacturing Company, that business which you expected—well, the man is dead, I do not wish to mention his name—to go in with you? A. A man to go in with me?

Q. Yes, to put stock in? A. No, there is no truth in that.

Q. Did you expect Martin B. Brown to go into that? A. No.

Q. Did anybody go into the company with you? A. No, sir; I never started it for that purpose.

Q. You filed a certificate of incorporation? A. Yes, I signed it.

Q. You put Mr. Granger in as secretary? A. Yes.

Q. And you swore to the certificate of incorporation? A. Yes, sir.

Q. And you put in as an incorporator, under the laws of the United States, and swore to it, the name of a man you believed to be a forger, is that so? A. I know he was there named.

Q. Answer my question, sir? A. And I told you that I was trying to redeem him, and see if I could not help him get along.

Q. Will you please answer my question; did you, with the alleged forged instruments in your possession for a period of four years, with a knowledge that this man was a forger, as you

claim, did you insert his name or cause it to be inserted as the secretary of the Yankee White Manufacturing Company, a corporation under the laws of this State; did you or did you not? A. I presume that will speak for itself; I do not recall it; I know he was in it.

Q. Don't you know he was secretary? A. He was secretary; yes, sir.

Q. Don't you know you signed that certificate? A. I presume I did; I do not remember it.

Q. And don't you know that at the time that this forger, and this scoundrel, and this thief, as you call him, was employed in the house of Messrs. Blumenthal Brothers, the dry goods merchants? A. At that time?

Q. Yes? A. No, sir.

Q. Didn't you get him to leave Blumenthal & Company's to attend to the Yankee White Manufacturing Company? A. No, sir; that is not true.

Q. Was he there in Blumenthal — A. About two weeks, I think.

Q. Didn't you recommend him to appointment in the post-office? A. I asked for his appointment.

Q. Did you recommend him to Van Cott? A. Yes; that is right.

Q. Into the post-office? A. Yes, sir.

Q. And you recommended into the Federal service of this country your son-in-law, who was a forger, a thief and a scoundrel; is that so? A. I had at that time the impression that he had reformed; I had a very serious talk with him, and he had promised absolutely and positively that he would never do anything wrong again; and, as I told you, I was trying to correct him; I tried to give him a chance.

Q. That was before you got him to be secretary of this Yankee White Manufacturing Company? A. I do not remember the year.

Q. It was before? A. Perhaps it was.

Q. Did he backslide again after that? A. Oh, yes.

Q. And notwithstanding his additional backsliding, you then put him in as secretary of this manufacturing company? A. I will make a long story short by saying to you that he has been guilty of every crime under the calendar, and I have tried to redeem him, and do my best; that is all; he is a member of my family and my daughter's husband; I tried to correct him.

Q. We understand your situation; have you got those bank-books? A. Mr. Gott. (Mr. Gott produces bankbooks.)

Q. Will you be good enough to tell me the first summer that you take up your residence at Greenwich, Connecticut, or up in that neighborhood? **A.** Only last year, sir.

Q. Did you ever reside in that place, or in that neighborhood or locality for the summer? **A.** No, sir; I resided at Black Rock, Connecticut, two years.

Q. Well, Black Rock? **A.** Yes, sir; that is this side of Bridgeport.

Q. What is the first summer you went to reside at Black Rock? **A.** I think it is four years ago.

Q. Four years ago; that would be in the summer of 1890? **A.** That would be about it, I think; yes, sir.

Q. Did you become acquainted with your brokers, Dominick & Dickman, up there? **A.** No, sir; I knew them long before that.

Q. They resided up there? **A.** No, sir.

Q. In that neighborhood? **A.** No, sir; I never knew them to reside up there; I never saw them at all.

Q. Or any of the firm? **A.** No, sir; not to my knowledge; if they were living up there, I did not know of it.

Q. Were you in the habit of meeting anyone of the firm on the train coming down? **A.** No, sir; last summer when I was going up to Greenwich Point, once in a while I would meet one of them on the train; perhaps two or three times during the summer.

Q. Do you remember having a conversation with any of the members of the firm in relation to this lead stock? **A.** I do not recall any, sir.

Q. In the train? **A.** No, sir; I do not recall any at all.

Q. You remember one morning going down in the train, that portion of it that was called the Club car; you frequented that portion, didn't you? **A.** I was in there, perhaps twice during the summer.

Q. Not last summer, but in 1890? **A.** That was the only time I was in it.

Q. You never was in that car in 1890? **A.** That car did not run at that time, nothing but the ordinary traveling cars; I did not meet Mr. Dickman on a traveling car.

Q. Did you meet Mr. Dominick, his partner? **A.** Dominick & Dickman is the firm.

Q. Did you ever meet either of those gentlemen in 1890? **A.** I don't think that I did, sir; I might possibly have met them on the car, but I don't recall it; they did not live where I was living at all.

Q. Up in that locality on the line of that railroad? **A.** We did not go on the same train; if they lived up in that neighborhood, we did not go in the same train.

Q. Did you meet either of them? A. I think not, sir.

Q. You are clear on that? A. I am quite clear.

Q. I refresh your recollection by asking you if you did not discuss with them, in the morning coming down in the car, relating to the prospect of a rise in the lead stock? A. I have no recollection of it; I might have done so, if I met them.

Q. At that time in 1890, you were carrying the account of the police pension fund, in the Bank of North America, were you not? A. The book shows that, does it? If the book shows that, that is correct.

Q. The last balance I see is October 22, 1890, and then there are items, up to December 31st, 1890? A. Well, that is correct, then.

Q. That is correct? A. Yes.

Q. It runs up to 1891? A. Well, whatever it shows, Mr. Goff, is correct.

Q. Now, the checks upon this account, the police pension fund, are signed by you? A. By myself and the treasurer's bookkeeper; yes, sir; it is first signed by the treasurer's bookkeeper, and brought to me for my signature.

Q. Where does he sign it? A. He signed across the face of them.

Q. What does he sign? A. George B. Gott, treasurer's bookkeeper; his signature is in the bank in connection with the treasurer.

Q. Does he fill out the name of the payee on the check? A. Yes, sir; he fills out the payee's name on the check always.

Q. Do you instruct him who to fill out to? A. No, sir.

Q. How does he know who to fill out to? A. He has his records before him in the books.

Q. So you have nothing to do but sign the check he prepared? A. Yes, sir; that is all.

Q. Can you tell where the bank was situated—the Bank of North America? A. The Bank of North America was somewhere in Wall street, near William and Nassau, I think; Mr. Dowd was the president of it, if I remember.

Q. Can you state if it was in 1890, the first summer you went to reside at Black Rock, that you then drew your check for the purchase of these hundred shares of lead stock? A. Well, I don't just remember the year, Mr. Goff.

Q. I call your attention to the year, to the coincidence of your residence for the first season at Black Rock, and the drawing of this check to the order of Dominick & Dickman? A. If you tell me about the year that the National Lead Trust was formed, I can tell you that, better; but I do not recollect the date; I can not recollect four or five years.

Q. I ask you, if you can not locate that as the summer you drew that check to purchase that stock? A. No; I could not locate it in that way.

Q. Can you locate the year? A. The only way I tell you I can locate the time I first bought the National lead stock was somewhere about the time the company was organized, and I bought some of it, and I kept it for an investment until they reorganized the company, and gave so much of this preferred stock, and so much of common stock for it.

Q. Have you got your private bankbook here on the Bowery bank? A. You had it yesterday; you told me if you wanted it, you would let me know.

Q. I understood you, you would bring it down? A. I understood you last evening, if you wanted it, you would let me know.

Q. Is the book here? A. No, sir; I will get it for you.

Q. You can state to me if your bank-book upon the Bowery bank at that time contained an entry of the returned voucher, or the amount of the returned voucher, for the check you drew for that lead stock? A. Well, that I can not tell you.

Q. Is it not the usual course of business of that bank to do so? A. If I give a check on that account on that bank, it will show on the opposite side of the deposit book.

Q. You swore you did give a check yesterday for that purpose on that bank? A. On that bank, because I hadn't any other bank account.

Q. In either one of the two accounts the return on that voucher will be shown? A. Yes, sir.

Q. Can you tell the committee where that voucher is that you sent to Dominick & Dickman? A. Well, if it is back to the date you are stating, in 1890, it was destroyed by fire.

Q. Can you tell this committee how it was that your vouchers, checkbooks and account-books, and all other books were destroyed by that fire, and that your bankbook was not destroyed by that fire? A. The personal bankbook, which I handed you yesterday, goes back to 1889; that is the personal bankbook; now, any stubs, or anything of that kind, that we might have at that time were simply piled upon the shelves in the office, and when the fire took place they were all destroyed; there were fully a truckload of them destroyed; the checkbook, however, was in the little steel safe, in the middle office, and the fire did not get to it.

By Senator O'Connor:

Q. You mean the blankbook? A. Yes, sir; I stated that was two years' transaction of a personal account.

Q. Was the checkbook that you then had in use destroyed by the fire? A. All those books were destroyed.

Q. All destroyed? A. Yes, sir.

Q. Have you any objection to an examination by a representative of this committee any person that they should designate? A. No, sir; not the slightest.

Q. To examine the vouchers of the police pension fund, together with your stubs, and such other accounts in connection with that matter? A. I would be very glad indeed to have you do it, and will aid you in any way I possibly can at any time.

Q. Have you been able to arrive at any more definite conclusion touching the amount of the check that you drew to the brokerage? A. Which one do you mean?

By Senator Bradley:

Q. The lead stock?

By Mr. Goff:

Q. The lead stock? A. I can not positively as to that amount.

Q. You estimated yesterday about \$6,800? A. I was calculating—\$6,800—I think I estimated the 100 shares of the preferred, didn't I, at \$6,800; I think there was 200 shares of the common; I think that was 34, making a count of about \$12,000 or \$13,000; I tell you how I can get at that better; that stock was sold by Dominick & Dickman when I bought the property at Greenwich last February; the result of the sale was about, I think, \$14,000.

Q. You made on the stock? A. No; that is the whole value of it.

Q. You made on the stock? A. No; that is the whole value of

Q. Give about the aggregate amount of that check that you drew to them? A. That stock may have been bought at different times; it may not have been all bought at once.

Q. On all your purchases which you made you sent down your check? A. I fancy I did; that would be the natural way to do it.

Q. You say that is the way? A. Yes; I think so.

Q. You sent down your check? A. That is my best recollection of it.

By Chairman Lexow:

Q. Didn't you say before you drew a check on your business account, and paid for the stock by that check, and afterwards replaced that amount in your business account by a check on your private account? A. At different times, as a rule, I did that.

Q. Didn't your recollection extend to this particular transac-

tion of lead stock; didn't you say that was the way? A. I think I calculated or estimated the amount was about so much; the whole amount of the lead stock was about \$14,000 when it was sold; it had been bought at different times, but it was sold all at once; I had been buying it for three or four years.

By Mr. Goff.

Q. What the chairman wants to know, if you can recollect the particular transactions, touching the purchase of this lead stock that you drew a check upon your private account, and deposited in your general or business account, to make up for the draft on your business account? A. The only way I could get at that at all, would be to say that along about \$6,000 or \$6,500, somewhere in that neighborhood, that that amount of stock would cost; that I must have drawn a check for that amount.

By Senator O'Connor:

Q. I understood you stated yesterday that that private account consisted of matters connected with your salary as police commissioner, and also matters connected with your speculations in stock and other matters? A. Yes, sir; and the aggregate amount shows \$64,000 there.

Q. You intended to put in your private account all matters connected with your salary and outside speculations? A. Yes, sir; I never used any of my salary for living purposes at all; never during my experience in public life; I never used any for that purpose.

By Mr. Goff:

Q. Now, are you clear upon which of the accounts you drew the check the private or the business account? A. I would not say positively about that, Mr. Goff; but if you have any idea that it is in any book connected with the police department, I am very clear about that.

Q. I did not ask that question at all; you stated yesterday that you drew the check upon your business account in the Bowery National? A. That is my impression in reference to it; I think the chances are I drew a check on the Bowery bank on the business account, and drew a check on my private account.

Q. Has any thought since refreshed your memory, concerning the transaction; do you wish to modify it? A. I have not thought of it since, sir, except as you are putting the questions now.

Q. Have you any desire or reason to modify that answer? A. I think I have given my answer to the best of my recollection.

Q. By the way, at the time you were appointed police commissioner, was there a mortgage on the lumber-yard property? A. No, sir.

Q. Free and clear? A. Yes, sir.

Q. Never was mortgaged? A. Excepting in 1874 or 1875, when I bought out my brother's interest; I gave him a mortgage at that time, running for two years.

Q. Is the first signature on that paper your signature? A. Yes, sir.

Q. Whose is the second last signature on that paper? A. Next to the last?

Q. Yes? A. Gideon Granger.

Q. What are the others? A. John McClave, Steve McClave, Gideon Granger and Albert McClave.

Q. That Granger is your son-in-law, who was on the stand here to-day? A. Yes, sir.

Q. You were the promoter of that company? A. Yes, sir.

Q. You put in all the money? A. Yes, sir.

Q. Nobody else put in a dollar? A. Nobody,

Q. Notwithstanding the law, you were the only one that put any money in that concern? A. I think that was drawn by the law firm of, and they issued the stock required by law.

Q. They did not put in any money? A. I gave them some stock.

Q. And this is the Granger we have reference to, and this is the company you organized with him as incorporator? A. Yes; that is right.

Q. And the date of this was on the 11th of March, 1891? A. Well, whatever the date is is correct.

Q. And he was married into your family when? A. Eighteen hundred and eighty-seven.

Q. So that four years after your discovery that he was a forger, you signed this certificate of incorporation with him as an incorporator? A. Well, Mr. Hoff —

Q. Is that so or not? A. You are putting the question down as to my actual discovery of his being a forger; I had only, as I stated before, his own acknowledgment of the fact; beyond that I made no inquiry at all.

Patrick J. Daly, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff: {

Q. You are a marine? A. Yes, sir.

Q. And where are you stationed? A. In the Brooklyn marine barracks.

Q. Brooklyn? A. Yes, sir.

Q. You have been on escort duty to Boston recently, have you not? A. No; I have not.

Q. Didn't you go to Boston at the time you wrote? A. No, sir; I did not go.

Q. The orders were countermanded? A. Yes; the orders were countermanded for me to go; another man took my place.

Q. I wish you to tell this committee of your experience on the Bowery about a month or six weeks ago; just tell them in your own way anything that—just speak up? A. On the 19th day of April last, between 3 and 4 o'clock in the evening, I visited New York city and went on the Bowery, and I went into a saloon on the right hand side going toward Third avenue; when I entered this saloon I—

Q. Can you give the number of it? A. That is one particular flaw in my evidence that I can not positively identify the number of the saloon.

Q. Do you know between what streets it was? A. No, sir; I can only give a very hazy idea of the location of the saloon.

Q. Was it near Chatham Square? A. It was five or six blocks above Chatham square.

Q. On which side of the way up, as you went up? A. On the right-hand side of the way facing towards Third avenue; I went into a saloon, and see there was a back room in it; I entered this back room and see a female in the back room; I sat down at a table, of which there were a number in the room; tables with chairs around them, and a woman immediately came there from another table and sat down beside me; I called for a round of drinks; I believe I took beer myself and the woman had port wine; the drink amounted to 20 cents; I paid for it in some loose change I had in my pocket and I called for another round; after an interval, about half an hour, I called for a third round, and I tendered a two-dollar bill in payment of it.

Q. For the last round? A. For the last round, the third round; the bartender took the two dollars from me and went out, and as he was some time absent without returning any change—the drink in question was a glass of beer and another glass of port wine—about 10 minutes afterwards I began to be uneasy for the change, and I reminded him about it, and he came in, with two 10-cent pieces and placed them on the table before me; it appeared to me like an outrageous piece of robbery that he was about to contemplate, so I was very indignant, and remonstrated with him, and demanded the exact change of him, the two-dollar bill; he only laughed at me; he went out behind the bar, and he brought the two 10-cent pieces and put them on the bar and said,

"Give me the proper change," and when he laughed at me again, I took the two dimes and threw them behind the bar, and I said "They are useless to me, I want my proper change; you can make as exorbitant a demand as you like, but that is carrying too far—\$2 for two drinks;" as soon as I threw the two 10-cent pieces behind the bar, he gave a signal and two men knocked me down and proceeded to beat me, and I thought discretion was the better part of valor, and I beat an ignominious retreat; I went down the Bowery about one block and met a policeman, and I told the policeman of the incident and requested him to accompany me back to the saloon in order to get my redress; the policeman said to me, "Have you got any witnesses?" I was forced to admit I had no witness; the policeman told me that in a case like that there was no use unless you had witnesses, and I thought—I did not believe what he said, and I thought I would test it further; I went to the Eldridge Street police station and there was an officer there; I was not bound on taking details; I guess he was a very prominent officer in the police department; he might possibly be a captain of the precinct.

Q. He was behind the desk? A. He was behind the desk.

Q. And had gold lace on his hat, do you remember? A. I did not take in those details.

Q. Well, go on. A. I recounted the circumstances to him, and he asked me the same question the policeman did, did I have witnesses; I was forced to admit I had no witness, and he thereupon said there was no use, I hadn't a ghost of a chance to obtain any redress; I then went to the police headquarters in Mulberry street, and determined to carry the matter up, because I was justly indignant at the way I was treated; a police officer received me there and spoke to me very civilly.

Q. Do you know what room you were shown into there? A. I do not.

Q. Do you know the officer or the grade of the officer which you spoke to? A. No, sir; I do not; I do not know the grade.

Q. You saw no official there? A. I saw an official there.

Q. He was in uniform? A. He was in uniform; he spoke to me in a very civil manner, and when I told him the circumstances of the case, he told me, as I had no witnesses, I had no chance of obtaining any redress; he made no promise to me; he would investigate it; and I thereupon left.

Q. Did you tell the officer at the police headquarters what the officer on the beat had said to you? A. Yes, sir.

Q. And what the officer in the station-house had said to you? A. Yes, sir.

Q. Did the officer at police headquarters say anything about those fellows down there getting a lot of witnesses to swear

against you, if you took any proceedings? A. Yes, sir; he made use of one remark of that nature.

Q. State to the committee what he said? A. He said to me, "boy, you had better not push this matter any further, because for one witness you would bring up, these people would bring ten."

Q. And that was the end of your pilgrimage to the Bowery?

A. It had a very sad ending.

Cross-examination by Mr. Nicoll:

Q. What is your name? A. My name is Patrick John Daly.

Q. Patrick John David? A. Daly.

Q. When did you write a letter to Mr. Goff, retailing your grievances? A. I don't know the date, sir.

Q. About when? A. I guess it would be about two weeks ago.

Q. About two weeks ago? A. Yes.

Q. Had you a personal acquaintance with Mr. Goff? A. No, sir; I did not.

Q. You wrote to him because you saw he was counsel for the Senate investigating committee, was that it? A. No, sir; I was not aware that he was acting in that capacity at all.

Q. Did you write to him as a lawyer to take up your case? A. No, sir; because a certain person told me to go to his office and they would meet there in order to push the case; so I didn't want—

Q. You wrote to him then in order to get him to take up your case against the people, whom you thought had defrauded you? A. No, I wrote to him for a reverse reason, to ask him to drop the case, to say I thought I hadn't sufficient grounds to go on with the case,

Q. You wrote to Mr. Goff to drop the case? A. Yes, sir.

Q. Had you asked him previously to take up the case? A. No, I heard the Society for the Prevention of Crime were going to take it up, and for that reason I wrote to Mr. Goff.

Q. Who did you hear that from, that the Society for the Prevention of Crime was going to take up the case? A. An agent called at the barracks, and told me that he was negotiating with Mr. Goff to push it.

Q. What was his name? A. I don't know what his name was.

Q. He said he was negotiating with Mr. Goff? A. To carry the matter through.

Q. To push the matter through? A. Yes.

Q. Up to that time, you did not know Mr. Goff, did you? A. No, sir.

Q. Then you went to his office to ask him to drop the case?
A. No; I wrote a letter to his office, to ask him to drop the case.

Q. Have you ever seen him before? A. No, sir.

Q. Until to-day? A. No, sir.

Q. What was the day of the month when this excursion in the Bowery occurred? A. It was on the 19th day of April, sir.

Q. And at what hour of the day, did it take place? A. To the best of my knowledge, sir, it was between 3 and 4 o'clock in the evening.

Q. To the best of your knowledge? A. Yes.

Q. Have you any doubt about the time? A. Well, when I am on an excursion on pleasure bent, I do not keep an account of the time.

Q. When you are on an excursion on pleasure bent, you don't take any note of time? A. No.

Q. Well, are you able to give us within a few hours of the time? A. Yes, sir; I have already given you between one hour; it was between half-past 3 and half-past 4, or between 3 and half-past 4.

Q. You speak of being upon an excursion on pleasure bent; was that your purpose in going to the Bowery? A. My purpose was to enjoy myself; I had a day off.

Q. You went to the Bowery to enjoy yourself? A. Yes, sir.

Q. How? A. Well, taking in the sights, as it is commonly called.

Q. What sights? A. Well, the theatres, the dime museums, probably, although they are—and I might—

Q. What? A. It would be quite a change from playing prosaic in Brooklyn.

Q. It is quite a change from Brooklyn, you say? A. Yes, sir; to walk the streets in New York.

Q. You say it was quite a change from it? A. Yes, sir; I consider it pleasure to walk the streets in New York.

Q. Won't you accommodate me by speaking a little louder; you say you thought it would be a pleasant thing to go from prosaic Brooklyn to spend an afternoon in the Bowery? A. Yes, sir.

Q. And you wanted to see the theatres? A. Yes, sir.

Q. And the dime museums? A. Yes, sir.

Q. And the bearded lady? A. Well, that is rather old.

Q. What else besides the bearded lady and the museums did you expect to see in the Bowery? A. Well—

Q. What were the strange things you see in the Bowery? A. Well, I think the stock of Bowery attractions would be exhausted when the dime museums and theatres and saloons were gone through.

Q. You think it would be exhausted? A. The stock attractions would be exhausted.

Q. The stock attractions would be exhausted with the theatres, the museums and the saloons? A. Yes.

Q. Well, there are ladies, too, in the Bowery, aren't there? A. Oh, undoubtedly.

Q. What? A. Most undoubtedly.

Q. Did you think of those, too, in the stock of attractions? A. I did not think very deeply upon them.

Q. You did not dwell upon them very closely? A. No; I did not dwell upon them very ardently.

Chairman Lexow.—Haven't we exhausted this subject, Mr. Nicoll; time is valuable?

Mr. Nicoll.—We seem to have exhausted the stock of the amusements. Mr. Goff says there is no more in this. At the time you went into the saloon — by the way, where was the saloon? A. The best idea I can give of the location of the saloon was, it was possibly four or five blocks above Chatham square, on the right hand side going towards Third avenue.

Q. You have not a very clear idea of the time when you went to the Bowery, and you have not a very clear idea of the place? A. No, sir.

Q. Where this thing occurred, have you? A. I have not.

Q. What? A. I have not a very clear idea of the time or place; no, that is the very reason they urged me to drop the subject.

Mr. Nicoll.—Well, I guess we will drop it, too.

By Mr. Goff:

Q. Did you ever hear the name of the proprietor of the saloon? A. Since that time?

Q. Yes. A. I have been told that the proprietor of that saloon —

Mr. Nicoll.—I object to this.

Q. Did you describe that place to any persons after you left there; described the saloon? A. I did.

Q. And were you told the number of the saloon, and the name of the saloon? A. No; I was not told the number of the saloon.

Q. Were you told the name? A. I was told the name.

Q. What was the name?

Mr. Nicoll.—Objected to.

Mr. Goff.—I think it is proper, because it is connected with another matter.

By Senator O'Connor:

Q. When was he told this?

Mr. Goff.—After this incident took place.

Chairman Lexow.—How long after it took place?

- Mr. Goff.—The next day. I think it is proper, your honors.
- Q. Will you please state the name of the saloon? A. The name of the saloon as told to me was McGirk's.
- Q. Was there any other concert saloon, as you observed, on that block? A. Yes; there were quite a number of them.

By Senator O'Connor:

- Q. When you met the policeman first, could you have returned to that saloon? A. I could.
- Q. And could you inform him where the place was? A. Yes; I did.
- Q. When you went to the station-house, the precinct station, did you inform them that you could point out the saloon to them? A. Well, I did not, because it was not necessary; the officer in the police station told me if I did not have the witnesses, there was no use of going any further in the matter.
- Q. Could you at any time have found the saloon again when you went there? A. I could not possibly say I could have found the saloon again, unless I could have identified the people in it; at the time I went to the Eldridge street station, I could certainly have found the saloon, at the time I met the policeman first.
- Q. You so informed me you could tell where the saloon was? A. I did.

By Chairman Lexow:

- Q. Did you take the number of the policeman? A. I did not; will you allow me to make a remark, sir?
- Chairman Lexow.—Certainly.
- The Witness.—I wish to make a remark that in this matter that I did not consider the evidence in the case sufficient to—I did not consider I had sufficient cause of complaint anyhow; I think that the loss of the two-dollar bill was certainly an experienced loss, and would like to inform the members of the committee that I am an involuntary witness.
- Q. An involuntary witness, certainly; you are under subpoena here? A. Yes, sir.

John McClave resumes the stand.

Direct-examination continued by Mr. Goff:

- Q. I notice on this book of the police pension fund that there is not detailed statement of the returned vouchers on the fund drawn? A. Well, you see the bank has put the aggregate amount there; we have the vouchers.
- Q. There is no detailed statement of the drafts upon the bank in a pass book? A. That would seem to have been the system.

of the bank in putting down the aggregate; there was probably about 1,200 there, and that is probably the reason they aggregated it; the number of pensioners is about 1,200, and they have put down the aggregate there; but the vouchers can be got at.

Q. What provision do you make for ascertaining the deaths of members who are drawing from the pension fund? A. There is a general order out instructing the captains of the various precincts that so far as it lays in their power to keep track of all pensioners, and in case of their removal, or in case of their death to notify the central office at once; now it sometimes happens that they move out of the city; and it sometimes happens that they draw a check, that the checks are drawn quarterly, dated on the first of each month; it sometimes happens they draw a check for a particular person, say for \$75, and when the first of the month rolls around the party does not appear for it, three, or four, or five, or six days roll around and he don't appear, and we make inquiries, and perhaps find he has been dead four or five days; the few checks you speak of in the back of the book of the Bank of North America — 16 different checks that you speak of — I have received a letter this morning from the treasurers' bookkeeper in which he states to me that those checks —

Q. Wait awhile; we will have the treasurer's bookkeeper here himself? A. Very well, sir; I will give you the letter, if you want it.

Q. You require every pensioner to go to headquarters to receive his pension? A. Excepting those who live out of the city, and in cases of that character it is the general custom to first mail them a receipt and after they sign a receipt and after that is received, to them forward the check.

Q. Excepting that they are living out of the city you require them to present themselves in person? A. Yes, sir.

Q. Before what officer? A. They go to the treasurer's office and go to the treasurer's book, and receive their checks and make their receipts there.

Q. What is the average amount of those checks — I mean the amount of each check; not the aggregate amount? A. The checks range all the way from \$25 up; the larger number of them is probably about \$150, being a quarter of \$600; the patrolmen are retired under the law on a pension of one-half of their salary, and there is a larger proportion of patrolmen retired than any other rank, and therefore, \$150 was amount of the larger number.

Q. Have you any knowledge of frauds committed on the pension fund? A. I have never heard of any such thing.

Q. Has it ever occurred in the department that the pension has been drawn for men that have died? A. I never heard of such a thing.

Q. Such a thing has never been alleged or stated in the department? A. I never heard of it, sir.

Q. Is such a thing likely to occur under your system of book-keeping? A. I don't think it is possible; I don't think it possibly could occur.

Q. Do you make a report to the City Record to whom you pay a pension? A. Yes, sir; an itemized statement goes to the City Record; and in addition to that an annual statement is published, showing the sources of income to the pension fund, and the disbursements, each item in detail; the law provides for that.

Q. You keep a record, of course, of all the deaths, you say? A. Yes, sir.

Q. How do you get that record? A. The report of the deaths is made to the chairman of the committee on pensions by the treasurer's bookkeeper, as well as the report of those that are retired during each of the three months; that report is brought by the chairman of the committee on pensions before the board of police commissioners, and is read before the full board, and the chairman of the committee on pensions acts as the chairman of the board of trustees for that purpose; it is then made a record of in the secretary's book? A. Yes.

Q. The record of death? A. Yes, sir.

Q. Will you please direct your secretary to produce here the record of the death of Officer John Murray? A. How do you spell that name.

Q. M-u-r-r-a-y—Murray. A. Can you give me the date of the death?

Q. That is what I want. A. Is Mr. Charles P. Gott in the room—will you take a memorandum of that, and call your father's attention to it.

Q. Did you keep any book or memorandum of your private or business transactions outside of the bank book that you have presented here? A. No, sir.

Q. So that you kept no account of moneys that you invested or what you invested them for, or anything of that kind? A. My investments, I think that I can briefly state them, have been outside of the houses that I have spoken to you of that I have bought, very light indeed, have not amounted to anything; running through a period of years, I could not tell you positively, but I should say running along through a period of years, 1886 or 1887, I think, I bought back and forth a little consolidated gas,

and during that time a couple of shares, off and on a couple of hundred shares of the Manhattan shares.

Q. What would be the highest amount of any check you would draw on the pension fund? A. The largest check?

Q. The largest check at one time? A. The largest amount would be the pension that would be drawn by the superintendent of police—\$750.

Q. That would be the pension—\$750? A. A pension of \$3,000 a year.

Q. Did you receive the stock from Dominick when you purchased? A. Oh, yes.

Q. You received the stock? A. Yes.

Q. And a memorandum? A. I think I did; but I had the stock in my safe at my home, and Dominick & Dickman sold it when I bought a year ago the property in Connecticut.

Q. Where did you have the stock? A. In my safe at my office.

Q. What office? A. Twenty-second street, the lumber office.

Q. When did the fire occur? A. The fire occurred April 12, 1893.

Q. How is it that the stock was not destroyed with the other books and other papers? A. The lead stock?

Q. Yes; if you had it in the safe and all the other books in the safe were destroyed, how is it that the stock escaped? A. I presume that it was inside the steel safe; I think that would allow for it.

Q. Anything inside the steel safe? A. I think—I do not recall it for a moment; naturally that is where it would be, inside the small steel safe; it would naturally be in there, and that accounts for it.

Q. Do you remember what you put inside the little steel safe inside the regular safe? A. Nothing except bills receivable and money; they were kept in there for safekeeping.

Q. How much money do you say you had paid for premiums for insurance; you stated \$25,000? A. During that period of thirty odd years; yes, sir.

Q. You carried how much insurance? A. My insurance ranged from \$150,000 to \$300,000 principal; on my mill property it ranged pretty high.

Q. Did I understand you to say that after 1892 you made in your business \$115,000? A. Yes, sir; I said about \$113,000; I make ordinarily in my business about \$50,000 or \$60,000 a year.

Q. About \$50,000 or \$60,000 a year? A. Yes; that is including my rents.

- Q. Fifty thousand dollars or \$60,000 a year? A. Yes, sir.
- Q. And then you had your police salary? A. Yes, sir.
- Q. And at the rate you made in your business, how many years have you made that; since you have been police commissioner?
- A. I made it for quite a number of years; we make that ordinarily; some year it may be above, some years below; I should think on the average about \$50,000 a year, including the rents, the rents running along from \$20,000 to \$25,000.
- Q. Are the rents to be excluded from your \$50,000 or included?
- A. I should include them.
- Q. Tell me how much you made net? A. I should think about \$50,000.
- Q. And for about the last 10 years you have made \$50,000 a year? A. Yes, sir; but some years I might have a loss that would wipe the whole out.
- Q. One year you made \$113,000? A. Yes.
- Q. You made an average of \$50,000 a year? A. I think so.
- Q. For 10 years you made \$500,000 in your business? A. Less my living, yes.
- Q. You lived at about that rate? A. No; I lived at the rate, if you want me to state that —
- Q. No; I only want to know; you say you are as rich to-day as you were when you went on the police board? A. Yes; I should think so.
- Q. And in the meantime you made \$500,000 in your business?
- A. If I made \$50,000.
- Q. You have made then \$500,000 and you are as poor as when you went on the police force? A. In substantially the same position.

By Senator O'Connor:

- Q. Does that include the salary.
- Mr. Goff.—No; that does not include the salary.
- The Witness.—I think there may be an error on that average.
- Q. I want to put one or two questions to you concerning these trust accounts, and then I will quit that subject; at the time in 1890 I assume now that you drew the check for this lead stock; how many trust accounts had you on behalf of the police department of this city? A. In 1890?
- Q. Yes. A. Well, about the same number that we have now, sir.
- Q. State them to me now, if you please? A. The North America bankbook, does that go back to that date?

Q. Yes. A. Then it would be North America, the Importers and Traders' and Garfield Bank, four of them.

Q. And how the account in the Bowery designated? A. The account in the Bowery up to about, I think, two years ago, was a general police account; at that time the accounts were changed so as to keep the pension funds in one bank, the salary account in another, and the alteration and supplies in another; the Garfield Bank keeps the alteration and supplies and repair account; and the Importers and Traders' keeps the salary account of the uniform members of the force; and the Bowery keeps the pension account.

Q. Isn't it the rule of the police department that the captain is responsible for the good order of his precinct? A. Yes, sir.

Q. And if in that precinct, there being houses of ill-fame or gambling-houses, or disorderly houses of any description, he is responsible for that, is he not? A. Well, I want to say right in connection —

Q. Well, please now — A. Well, you may put it in that way if you choose.

Q. You put it? A. I will make that statement.

Q. Is that the fact? A. That is the rule; he is held for the general enforcement of the law in his precinct; it is a question whether or not the houses of prostitution can ever be kept down strictly speaking; he is supposed to do the best he can.

Q. He is only supposed to do the best he can? A. The very best possible anybody can do.

Q. Isn't there a positive rule in the department — A. That he shall enforce the law in his precinct; that is the rule.

Q. Is it not also the rule in the department that if the existence of houses of the character that I have described be proven to exist in a captain's precinct, that that is of itself neglect of duty? A. I believe, sir, if that was literally enforced —

Q. That is the rule? A. Yes, if literally enforced.

Q. In the recent case of Captain Martens that was presented to the board, are you acquainted with the facts in the case? A. I remember them substantially; yes, sir.

Q. Do you remember that Superintendent Byrnes prepared charges against Captain Martens? A. Yes.

Q. Do you remember the nature of the charges? A. The nature of the charge was substantially that a house of prostitution existed on Lexington avenue somewheres.

Q. Do you remember the name of the house? A. No, sir; I do not recall that.

Q. If I mention it would you know it? A. I think it was called by a number, but I do not think it was called by name.

Q. Was there more than one house alleged? A. I think there was two or three.

Q. There were five. A. I don't remember.

Q. The board directed Superintendent Byrnes to present charges? A. No; the superintendent presented them without instructions.

Q. And it is the rule of the board when the superintendent prefers a charge they must take cognizance of those charges? A. They have the discretion, but they always approve of the charges and put the officer on trial; I have known of an instance to the contrary.

Q. They must know of the charges to such an extent as to approve of them and call them to trial? A. Yes, sir; they have such a discretion but they do not exercise it.

Q. When Superintendent Byrnes preferred charges against Captain Martens did the commissioners approve of the charges? A. Yes, sir; he was placed on trial.

Q. I do not mean the time he was tried; I wish to make myself plain; I have reference to the charges that were presented by Superintendent Byrnes recently against Captain Martens? A. Yes.

Q. Within 30 days? A. I do not recollect that that was a charge, Mr. Goff; was it?

Q. Don't you remember Superintendent Byrnes put in writing the charges against Captain Martens? A. Well, now, I think, perhaps you are correct about that. I did not recall it.

Q. And don't you remember the commissioners refused to approve of those charges? A. I remember that the case was before the board; it was discussed, and in view of that fact that the statement had been made that Inspector Williams had visited the place and knew about it, the law directed that Inspector Williams make a report as well as Captain Martens, he made a report back to the board; after those reports were both received it would seem as if the captain really had not been guilty of neglect of duty sufficient to put him on his trial, and that he had done about all that could have been expected of him.

Q. So that the commissioners put aside the charges of Superintendent Byrnes, and referred them first, to Inspector Williams, and, secondly, the man who was accused, Captain Martens; is that so? A. I think, Mr. Goff —

Q. Isn't that so? A. One moment; I prefer to state this —

Q. I am informed, Mr. Commissioner, that I have been in error and that you have been in error? A. I think likely; there was no charges made was there?

Q. Suppose we go to the fact that instead of Superintendent

Byrnes making the charges, that Commissioner McLean made the charges? A. In that case the superintendent was ordered to make the report.

Q. I think you said Inspector Williams? A. The superintendent was first ordered to make the report; he made a report back to the commissioners; accompanying that report was a report from Captain Martens in reference to it.

Q. The officer accused? A. Yes; and when they came before the board it had been stated in the newspapers that Inspector Williams had been at that place; the law directed he should also make a report; after that Orr came in and after examining them they concluded there was not sufficient to place him on trial; but I am trying to think Commissioner McLean was of the same opinion because he did not press it.

Q. Are the commissioners in the exercise of their official and judicial conviction taking into consideration of what the newspapers said about Inspector Williams about this place? A. Except as to the fact that it was true that he had been there after the report had come in from the captain; the papers stated that he was there with the captain.

Q. Were you not aware that at that time, before you dismissed and refused to consider these charges, that the man who kept the place, charged at a place of evil resort, was convicted in the police court of this city, and fined \$250? A. I think that Captain Martens' report said he had arrested him on three different occasions, and I guess he was convicted on them.

Q. And that in the face of the conviction by a competent court of this man for keeping a disorderly house, you refused to entertain your brother commissioner's charges? A. That was a violation of the excise law.

Q. It was a disorderly house, if the excise law was violated? A. It was not.

Q. You claim a house where the excise law is violated is not a disorderly house? A. Not in the sense you are using it; if there be a violation of the excise law and the court has inflicted a penalty, I rather look on a disorderly house as a house of prostitution or a gambling place; this was an ordinary liquor saloon.

Q. What liquor saloon are you speaking about? A. The one you are speaking about.

Q. Did I mention the name? A. No; but I presume it was the one mentioned.

Q. If you know of the liquor saloon, tell us the one you was talking about? A. I am talking about the man that he reported came in with Captain Martens, and Commissioner McLean asked he be placed on trial.

Q. I will show you you are mistaken; the conviction in that case was for a disorderly house; Billy Fowler's; do you remember now? A. I do not remember the name.

Q. As a disorderly house; not for the violation of the excise law? A. I think you refresh my memory to this extent; I think it was stated by the proprietor of the place—

Q. Never mind about those. A. That somebody had been robbed in that place of \$50 or \$60, and the captain had made the arrest and had also made an arrest of the proprietor of the place for violation of the excise law; that was the conviction, but I think that the report shows that the place was an ordinary liquor saloon, but frequented by the lower classes—the humbler class of men and women of that neighborhood.

Q. When you spoke about what the newspapers said in regard to that place, don't you remember that the newspapers reported a captain going in and ordering the little partitions and boxes where loose women of the town used to go, to be pulled down? A. I do not remember about those being the loose; I recollect the report shows that that was not so.

Q. The report of the captain? A. The report of the captain and inspector both.

Q. You have referred to what the inspector read in the newspapers, and on that reading you referred the matter to Inspector Williams? A. It referred to the fact that he had gone with Captain Martens to inspect it, and on the strength of that I think I made the suggestion myself that Inspector Williams be required to report back to the board the result of that investigation.

Q. I ask you if you did not read at that time, or it was not read in the board, that Inspector Williams and Captain Martens had gone there, ordering the proprietor to tear down the wooden boxes in the place? A. Yes; and Inspector Williams ordered them; they were about two or three feet high; you could look over them.

Q. And do you remember the next day the proprietor, under the advice of the captain, refused to tear them down, on the ground that there was no violation of the law? A. I do not recall that.

Q. In the face of that and with the knowledge that the courts had convicted the proprietor of that place of keeping a disorderly house and fined him \$250, you refused to entertain your brother commissioner's charges; isn't that the fact? A. After reading all the evidence in connection with it, I exercised my very best judgment and voted accordingly.

Q. And it is in that direction your best judgment has gone?

A. That was my best judgment; yes, sir; after all the reports came in I did not think it was proper.

Q. Don't you know that four other houses which were reported against Captain Martens at that time had the licenses for their houses revoked by the excise law? A. I don't recall that; I wish you would refer to the records and let them speak for themselves.

Q. It is a recent occurrence; there has not been a trial or a charge against any officers since? A. Any captain?

Q. Any captain; yes; any one; any captain; I do not mean roundsmen. A. I think the last captain on trial was Captain O'Connor, of the second precinct.

Q. It is since Captain O'Connor's trial? A. No, sir; I think not, sir; I think what you speak of was before; I think it was.

Q. Speaking of Captain O'Connor's trial; that is the officer in whose precinct a policeman in citizen's clothes clubbed a man in a polley shop, isn't it? A. That was the charge; yes, sir.

Q. And it was sworn to before the commissioners? A. Yes, sir.

Q. And it was not denied that the officer was there in the polley shop in plain clothes? A. There was a whole mass of testimony in the case, taking up, I think, about 700 pages of close typewritten testimony in the case, given on both sides; the case has not yet been disposed of.

Q. The commissioners have not yet disposed of the case? A. No, sir; the commissioners have not yet disposed of the case.

Q. Will you state how many captains have been convicted on charges since the Senatorial committee has been appointed? A. Two, I think so.

Q. Two? A. I think so.

Q. Will you state how many captains received convictions? A. One received five days, and the other 30.

Q. Will you state how many captains were convicted before the committee was appointed? A. I do not recall it.

Q. Were there any captains convicted before this committee was appointed by the Senate? A. I am inclined to think there was.

Q. Will you name me one? A. I would not like to attempt that.

Q. Isn't the conviction of a captain extremely rare in the department? A. When you are trying 5,000 cases in a year you would not have it impressed upon your mind.

Q. There are only 33 captains? A. Yes;

Q. Is not the conviction of a captain a very rare occurrence in the department? A. I should say it was.

Q. Can you say there was a conviction of a captain since you have been a commissioner of police up to the time of the appointment of this Senatorial committee? A. I don't recall any.

Q. Is it not a fact that there is none? A. I can not state.

Q. Can you recall any instance? A. No, sir; I do not.

By Chairman Lexow:

Q. You don't remember any conviction? A. I do not recall any.

Senator Bradley.—If there were, you would certainly remember.

By Mr. Goff:

Q. How many convictions of captains since the appointment of this committee? A. My recollection is Captain Martens and Captain Price, one received five days —

Q. Were not there two more; has there been four convictions since the appointment of this committee; Haughey and Westervelt? A. Oh, yes, sir.

Q. That makes four since the appointment of this committee? A. Yes.

Mr. Goff.—What was the date, Mr. Chairman, of the appointment of this committee?

Chairman Lexow.—Thirtieth of January.

By Mr. Goff:

Q. Now we have it so far; since the 30th of January, 1894, the date of the appointment of this committee there have been four captains convicted of offences on charges presented to your board? A. Yes, sir.

Q. And for a period of nine years or thereabouts, prior to that you have no recollection of any conviction having been had of a captain in this city? A. I do not recollect any; no, sir.

By Chairman Lexow:

Q. Is it because the captains have been much worse then, or behave themselves worse since the appointment of the committee than they did before? A. I am inclined to think Mr Chairman

that extreme vigilance and extreme indulgence in going into the most minute thing has had a tendency to bring about some of these charges.

By Senator Cantor:

Q. Vigilance on what? A. On the part of the inspectors and the superintendent.

Q. Did that vigilance begin after the appointment of this committee? A. I do not think so necessarily; the papers had been criticising the police for the year or two and I think that has necessarily had a tendency to make them very careful.

Q. Was that by any arrangements among the commissioners themselves? A. No, sir.

Q. As to when; the particular time for vigilance commenced? A. No, sir; no instructions; whatever has been done was done the natural way by them.

Q. You could not fix the particular time when this vigilance commenced except the appointment of the committee? A. No, sir; I think they used to run along about 75 to 80 charges a week against patrolmen, and now they run 90 to 100.

By Chairman Lexow:

Q. Is it a fact since the appointment of this committee there have been a larger number of convictions in every grade of the force than there were before? A. Excepting I think so far as to the board; I do not think that the size of the penalty has been in any way changed.

Q. There have been a greater number of convictions? A. I think about the same proportion to the entire board.

Q. And that is due to the greater vigilance on the part of the superior officers of the force? A. I am inclined to think that owing to the fact that there has been more or less newspaper criticism that the members of the force themselves have been extra vigilant; that the captains have been more vigilant; and their sergeants and their roundsmen and the inspectors, and they are perhaps a little bit closer.

By Chairman Lexow:

Q. Mr. Commissioner, that implies a neglect of duty of men previous to that time, does it not? A. I would hardly think, Mr. Lexow, that you could hardly put it in that light; I would not like to say that; there is another thing in connection with it; when

you get a new superintendent, he is desirous of doing the best he can and when you can make any changes he is inclined to be more vigilant and perhaps that has something to do with it.

(By Senator O'Connor:

Q. Now, because of the increased number of the charges made against captains, that would imply increased vigilance on the part of the superior officers of the captains? A. Yes, sir; now in the case of Captain Price, the testimony would seem to show that the house in question had virtually closed up sometime; it was on Second avenue and Fourteenth street, and notwithstanding that fact, the superintendent had directed some of the central office detectives to try and succeed in getting in there; they did finally succeed in getting in there in dress suits, in the basement one night; and that of course an officer in uniform could not very well do.

By Senator Bradley:

Q. You say the inspectors have not become any more vigilant than before the appointment of the committee? A. No, on the contrary, I am inclined to think they are all doing the very best they could to make any improvement.

Q. Do you want the committee to understand that the patrolmen were violating the law any more than before? A. I would not like to say so.

By Mr. Goff:

Q. It was not the increase of charges, but the increase of convictions? A. I do not think the convictions are any greater.

Q. You mean to say the charges have increased since the committee has been appointed? A. I would state to the best of my recollection that the ordinary amount of charges made each week would run along about 75 or 85; that within the past year or past two years they have seemed to gradually increase until they run, perhaps, to 90 or to 100; a great number are for violations of the rules and for off post or something of that kind.

Q. Conduct unbecoming an officer? A. Yes; and citizens' charges are more frequent.

Q. Do you know after before 1892 there was ever a captain tried upon charges preferred by a superior officer? A. Prior to 1892?

Q. Yes; was there ever a captain tried on charges preferred by a superior officer? A. I do not recollect that, sir.

Q. Do you know as a fact that there never was a captain tried except upon charges preferred by citizens? A. would not like to state that as a fact.

Q. Have you any knowledge at all about this subject you have been talking about? A. I think I have a fair knowledge of it.

Q. You have been a commissioner nine years and your recollection fails at the very point you want it to fail? A. I do not desire to have it fail me.

Q. During your term will you state to 1892, there was ever a captain put on trial on charges — put on trial on charges made by a superior officer? A. Do you think you should ask me to remember eight years that particular fact?

Q. I remember that particular fact; and I remember also there are very few captains. A. I would like to state as a matter of fact that I recollect that sufficiently; I would prefer that the record should speak for itself.

Q. Do you remember when Captain Williams was tried? A. I think he was tried twice.

Q. You presided at the trial? A. I was one of the commissioners.

Q. Who preferred the charges against him, a citizen or a superior officer? A. In the first case I think the charge was preferred by a party named Chapman.

Q. How many trials have you presided on when Captain Williams was brought before the board? A. I don't think he was tried more than twice.

Q. Don't you remember there was a trial on the complaint of Dr. Howard Crosby? A. That was the Chapman trial.

Q. Do you remember the date of the decision of the commissioners when they voted two to two on Inspector Williams — on Captain Williams' charges? A. No, sir; I do not recall the year.

Q. I read it to you to-day? A. Well, then it is all right.

Q. You remember that, without regard to the date? A. I remember the fact of his having been placed on trial, and the fact of this General Porter's —

Q. You remember that fact? A. Yes.

Q. On the same day when two commissioners voted for his conviction and two for acquittal was he not made an inspector of police? A. I think not on the same day.

Q. Will you swear that it did not take place within one hour after the vote was taken? A. No; I would not say that.

Q. Don't you know as matter of fact that that was the day on which he was made inspector of police? A. I hardly think that is so; it may be true.

Q. It may be true? A. Yes.

Q. It is true; don't you know he was made inspector of police, at least, very shortly after? A. I should think that was true.

Q. And in the face of these charges against this officer he was made inspector of police, rising to a higher grade; is not that a fact? A. Where they were considered as disposed of.

Q. Two commissioners did not consider it disposed of? A. One of the commissioners wanted to fine him two days' pay.

Q. He was immediately, after his trial, made an inspector of police? A. Yes, sir; that is true.

By Senator Cantor:

Q. Didn't it require that majority of the board to convict? A. Yes, sir; the same parties who voted to have a penalty on the charge of two days' pay voted for his being an inspector.

Q. He voted for conviction, didn't he? A. He assented to give him a penalty on some technical point.

Q. He voted for conviction on the penalty? A. Yes, sir.

Q. He voted with you to make him inspector of police? A. He did vote for inspector of police.

Q. The charges against Captain McLaughlin, the same result was arrived at there, wasn't it, two and two? A. Yes, sir; I think that is correct, two and two.

Q. And Captain McLaughlin was made inspector immediately after that wasn't he? A. I can not tell how soon; shortly afterwards.

Q. And he was charged by a citizen and not by a superior officer? A. Yes, sir.

Q. You remember the charge against Captain Carpenter of the fourth precinct? A. Yes; I think that was some time after Captain McLaughlin.

Q. He was not convicted? A. He was not convicted; he retired afterwards.

Q. He retired at the shake-up, didn't he? A. I don't know what you call the shake-up.

Q. Did you ever hear the word "shake-up" used in connection with the police department? A. You mean the police captains; yes; that has been done.

Q. He retired after the shake-up? A. Yes.

Q. Do you remember the trial of Captain Killilea? A. That was in connection with some place in Forty-fourth street?

Q. In reference to a disorderly house at Sixth avenue, the Sixth Avenue Hotel; he was found guilty? A. No, sir.

Q. Charges were made and preferred against him by citizens

of that district, by an association of citizens; do you remember that? A. Yes; Clark Bell, I think, appeared as counsel for the property owners.

Q. And he was not convicted? A. No.

Q. Two to two again? A. I do not recall how the votes stood.

Q. He was not convicted, anyway? A. No; he was not convicted; that is my recollection.

Q. Now, Inspector Williams, Captain Dougherty, Captain Haughey and Captain Schmittberger were placed on trial together? A. I don't think Schmittberger was, was he; Inspector Williams and Captain Haughey and one other captain, I don't think it was Schmittberger.

Q. Dougherty? A. Yes; that is it.

Q. And those charges were preferred by the superintendent of police? A. That is right.

Q. And they were not convicted? A. Some of them was; yes, sir.

Q. Which of them? A. Captain Stephenson was also included in that; he was convicted and transferred, and both, I think, of the captains was, weren't they?

Q. No. A. I stand on the record, whatever it was there.

Q. I wish the Senate committee to get that fact, commissioner, that the police department has been quickened into activity in the way of trials and convictions since the appointment of this committee; isn't that so? A. I made the statement that I think that during the past year or two that there has possibly been a greater vigilance on the part of everybody connected with the uniformed force to perform their duty literally, speaking in every sense of the word, and upon the most trifling offenses people have been put on trial.

Q. How does that apply to the commissioners? A. We have performed our duty, as a rule, by sustaining the complaints that have been made.

Q. You did not change your attitude at all, you went along and exercised your discretion, both before and after? A. It was our attitude there to exercise our discretion.

Q. And did the existence of the new superintendent in the department, as you have referred it to that, increase the vigilance of the commissioners? A. The vigilance of the commissioners?

Q. Yes. A. The commissioners went right straight along, as a rule, in their usual way, and tried the cases and inflicted whatever penalties that they prescribed.

Q. Irrespective of the new superintendent? A. I do not think as to the penalty—

Q. I ask as to that increased vigilance; that would be the only way of showing vigilance, and conviction. **A.** Convictions, and in the punishment, and sustaining the force wherever the testimony justified it.

By Chairman Lexow:

Q. This increased vigilance, so far as the captains are concerned, seems to have added from about the 30th of January, is it not; your convictions, as I understand the testimony in the—you have not convicted in nine years a single police captain until after the 30th of January of this year? **A.** The testimony, Mr. Lexow, seemed to be entirely inadequate.

Q. I am speaking of the fact of convictions; is that a fact? **A.** That the convictions have been greater?

Q. That there have been four convictions of police captains since the 30th of January of this year, and not a single conviction of any police captain for eight years previous? **A.** I think that you would have to be guided entirely by the testimony in the cases in that matter.

Q. Is that the fact? **A.** I do not remember positively about that; I should rather incline to think that they were.

Q. Do you remember any other captain being convicted? **A.** Mr. Goff asked me that question; I do not remember.

By Senator O'Connor:

Q. I think that we have all that the commissioner knows about it; he says he didn't know of the conviction of any captain in the nine years previous—prior to the 30th of January last; and that there have been four convictions since the 30th of January; that's his recollection of it; I prefer to fall back on the record.

Mr. Nicoll.—The record is open for inspection; are you going to take an adjournment now?

Mr. Goff.—I asked for it.

Mr. Nicoll.—All you ask will be granted; all I have got to do is to trail along; may I be permitted to ask how long you are going to continue the examination of Commissioner McClave so I can get some idea about it?

Mr. Goff.—Will you permit me to ask a question by way of information so as to advise the committee of a certain matter?

Q. Do you know, Mr. McClave, if any application has been made to any magistrate or to any judge in this city or county for a warrant against your son-in-law, Granger? **A.** No, sir; I have no such knowledge.

Q. Since yesterday was such a thing agreed upon or spoken of?
A. Mr. Nicoll spoke about the propriety of it last evening; what he did about it I don't know.

Q. Do you know whether a warrant has been obtained? A. I do not know, sir.

Mr. Nicoll.— You can get information from me without going any farther; a warrant has been obtained; the thing I reproached Mr. McClave about last night at my house was that he had not obtained a warrant for this man who had treated him in such a shocking fashion for so many years, and that I considered it to be his duty to do so at once, but as a matter of fact I have been so busy, and so interested in the proceedings here that I have not done a thing.

By Senator O'Connor:

Q. Do you know whether this fact of the question of a warrant being issued or an application made for the warrant, has in any way affected your son-in-law, Mr. Commissioner? A. No, sir; I have not the slightest idea.

Q. Do you not know where he is now? A. I have not the slightest idea.

Q. And have not known anything about his whereabouts since he left here yesterday afternoon? A. No, sir; I have not seen anything of him except in the chair.

Q. Directly or indirectly? A. No, sir.

Q. Nobody has communicated to you where he will be? A. No, sir; I have not the slightest idea; I should be very glad, indeed, to have him here.

Mr. Nicoll.— If there was any way we could produce him we would produce him; may I ask the committee whether your own officers or sergeant-at-arms to whom you spoke this morning has obtained any information about the whereabouts of the witness?

Chairman Lexow.— We have none.

Mr. Goff.— He has not been to his place of business to-day.

Senator O'Connor.— That is all the information that we had, that he had not been to his place of business to-day.

Mr. Nicoll.— Let us hope he will be here to-morrow.

Chairman Lexow.— You will understand, Mr. Nicoll, that any threats made against witnesses who is subpoenaed to come here and testify is not indirect itself, but indirect contempt of the Senate; it is a fact to intimidate or brow-beating to keep the witness away; and this committee will be compelled to take such steps to enforce its orders, and the presence and appearance of the witness are given, to the full extent of its authority to bring them here and protect the witnesses here.

Mr. Nicoll.—I know what my rights are, and know what the committee's are; but I want to know whether or not the committee would protect a man who they believe to be guilty of forgery?

Mr. Goff.—How do they believe it?

Mr. Nicoll.—Who they believe to be guilty of forgery. If this man was an honest man or honest witness, he would return.

Senator O'Connor.—You can not tell whether this man tells the truth. Even if he is guilty of forgery, or even of murder, he is entitled to protection.

Mr. Nicoll.—He is entitled to it; but I say no man who is an honest man will hesitate to come before this committee or before any other judicial body and give his testimony. The fact that he has disappeared after his midnight association with Mr. Goff is a strong evidence in my mind that he is not entitled to the belief of this committee.

Chairman Lexow.—May he not have disappeared, Mr. Nicoll, as the result of the suggestion thrown out to him that he would be arrested on the charge of forgery?

Senator O'Connor.—He promised Mr. Goff to be here.

Mr. Nicoll.—He has known all about these transactions for a year. Mr. McClave has known them. The witness has known about them; others have known about them; there can be no secrecy about them; there is some reason why this man has not appeared this morning; you will never find me guilty of the misconduct of trying by any indirect manner to intimidate a witness who is properly subpoenaed to appear before the committee of the Senate of the State of New York. That is certainly true; but at the same time you are not to blame me if I discover that this man committed 20 crimes, and that the witness who sits upon that chair simply because he was his son-in-law, because he was the father of his three grandchildren, because he lived in his house and was the husband of his daughter, out of motives of humanity hesitated to prosecute him. Now you may not blame me for that.

Mr. Goff.—I think there is no blame to be attached to Mr. Nicoll whatever. No question has been raised here on the part of this committee, and I am certain on the part of counsel. There is no question of Mr. Nicoll's duty to advise his client, Mr. McClave, or to feel indignant on his part of what he considered an unjust act to Mr. McClave. But we are here in the performance, as we understand it, of a public duty, and, since there has been bribery and corruption charged against the police department, we must make use of whatever weapons comes to our hands, and we can only make use of these weapons, from which bribery and corruption have generated. No honest man, my

friend, Mr. Nicoll, says, no honest man would come here and go on the stand and give evidence if he had committed forgeries. Might I reply to that by saying that I doubt if any honest man in New York would keep in his love under any circumstances; and if made to be a progenitor of his grandchildren from year to year know he was begetting forgers and corruptionists.

Mr. Goff.—Every day, in the course of demonstrations of justice in this city—well, I won't say every day, but frequently—Mr. Nicoll, himself, as a public prosecuting officer, and myself, as an assistant in the same character, we have necessarily, when the occasion makes it a necessity to make use of all implements that come to our hands, only to obtain knowledge and information; and the fact that this witness came upon the stand here yesterday and swore to certain facts and has not been proven or demonstrated as being untrue, his word is as good as Mr. McClave's. His manner on the stand was just as convincing of truth as Mr. McClave's has been; he stands equal with Mr. McClave, because Mr. McClave has thrown around him his shielding wing for six year. Now, all I have to say, if your honors please—

Mr. Nicoll.—If your honors please, I object to this.

Mr. Goff.—You opened the case. If your honors please, with respect to the disappearance of this witness, I repeat again, he told me last night that he was afraid of being arrested this morning. I told him that such an arrest would not dare be made in this court. That he was under the protection of this committee; he said that his father-in-law threatened to have him arrested. I urged him to come here this morning, and that this committee would protect him; he left me in that frame of mind. That is all of our relation with the matter. We want to get this witness; we want to see, gentlemen, after this supreme moment, when this witness has taken the stand, why Mr. McClave should have made these threats last night, at that particular time.

Mr. Nicoll.—We want the witness and there is nothing we would not give to have the witness.

Chairman Lexow.—You can not but suppose that this committee should be surprised that the gentleman who slept for six years upon his criminal rights, if you please, and then just as soon as the witness appears on the stand against the man here and gives testimony against the man, that then he should for the first time avail himself of his right to arrest him.

Mr. Nicoll.—And you have never known a father—

Chairman Lexow.—It is intimidation.

Mr. Nicoll.—Have you never known a father who was seeking to suppress charges against his son-in-law before? Is this your first experience of this kind?

Chairman Lexow.—I have certainly heard of it.

Mr. Nicoll.—We know this witness is protected by this committee in coming before this committee and in going from this committee room, in appearing at the sessions of this committee; he is protected while giving his testimony; but after he has got through he is entitled to no other protection than any other man in the State of New York, than any other criminal, and this is the only protection you can give, except in one case where the witness testifies to the giving of a bribe, he is protected by statute, and every other citizen, although he is protected in attendance on the sessions of the committee, as soon as he leaves the attendance, the criminal law falls upon him as it falls upon everybody else.

Chairman Lexow.—The committee is surprised that the representative of the police department should, himself, suggest the method of intimidating the witness, because that is the result of it; Mr. Nicoll must know as well as anybody else that the suggestion of arrest against this witness will naturally intimidate a witness. Mr. Nicoll knows we are bound to protect our witnesses so far as we can, and it is unfair to this committee to throw a straw in the way of obtaining the truth in this case. That is not only throwing a stone but putting up a big obstacle.

Mr. Bradley.—I ask Mr. Nicoll why he was so emphatic in making the assertion this morning that we would never see this witness again.

Mr. Nicoll.—I will tell you, sir. For the first time in my life, at my house, Mr. McClave disclosed the fact that this young man had been committing forgeries for a period of seven years, and that Postmaster Van Cott had discharged him from the post-office for opening registered letters and taking money therefrom, and I said that a man of that sort to have the audacity to come down before the honorable committee of the Senate of the State of New York and palm himself off as an honest witness, I venture to say he will never appear before them again.

Senator O'Connor.—I do not think you intended to keep this witness away, but you said that which was likely to keep the witness away. You did a very unwise thing.

Mr. Goff.—I ask the committee if they will direct the commissioner of police of this city on the stand, if he will bring to bear the tremendous resources of the police department of this city to produce this man?

Senator Bradley.—He can do that in 24 hours.

Mr. McClave.—I want to say, Mr. Goff, that I shall be pleased better than anybody else if Mr. Granger will come to this court room and sit in this chair again. I will say now that I will instruct my messenger to go to Superintendent Byrnes at once

and to instruct him to put every possible man that he can on, to find that man and put him in this court to-morrow morning.

Mr. Goff.—Suppose you go to the Superintendent Byrnes yourself?

Mr. McClave.—If I can catch him I will do that myself.

Mr. Nicoll.—With this proviso that you permit me to show when this man is on the stand, what kind of a man he is.

Mr. Goff.—There is no proviso.

Senator Bradley.—That is a privilege.

Chairman Lexow.—We want to know that.

Mr. Goff.—We are satisfied.

Mr. Nicoll.—If I can show you what I know about him, that is all I want.

Chairman Lexow.—We told you Mr. Nicoll, that you would have the broadest latitude of examination.

Mr. McClave.—Mr. Goff, do you think I had better go up personally.

Mr. Goff.—I would suggest it. The fox is always his own best messenger. Your honor, will we adjourn now until to-morrow morning?

Chairman Lexow.—Until half-past 10 o'clock to-morrow morning. We stand adjourned until then.

Mr. Goff.—Mr. McClave, will you please have your bank-books here, your private as well as your official?

Mr. McClave.—Yes.

Adjourned.

Proceedings of the fifteenth meeting of the committee, Wednesday, May 23, 1894, at 10.30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Charles T. Saxton, Daniel Bradley, Cuthbert W. Pound and George W. Robertson, of the committee; John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee; Mr. Delancey Nicoll, for the police board.

Chairman Lexow.—Before opening the proceedings to-day, the committee desires to state through me that upon a repetition of what occurred yesterday in the form of applause or hissing—upon the repetition of that to-day this room will be cleared of all those not immediately connected with these proceedings.

John McClave resumes the stand.

Direct examination continued by Mr. Goff:

Q. Have you heard anything about Mr. Granger, Mr. McClave?
A. No, sir; I have not.

Q. Did you see the superintendent of police, as promised?
A. Yes, sir; I did.

Q. Was there anyone present when you saw the superintendent? A. Yes, sir.

Q. Did the superintendent ask you if there was a warrant out for this man? A. I think he did; yes, sir.

Q. Did he ask you what crime he was charged with? A. I think he did, sir.

Q. What did you answer? A. I told him that I had no knowledge of the fact that any warrant was out for him at all.

Q. I ask you if the superintendent asked you what crime he was charged with, and what you replied? A. Yes, sir.

Q. What did you say? A. What did I say in reference to that question?

Q. Yes. A. The superintendent asked me the question in the presence of Mr. Latchaw, of the World, as to whether or not there were any warrants out for him; I told him that I had no knowledge of that fact at all; then he asked me upon what grounds he could be interrupted in case he should find him; I told him I thought he would be perfectly justified, in case he did find him at all, to hang on to him in some way or other, and bring him here; he then promised me he would do everything that lay in his power; he called in two detectives, and he gave one of them to Mr. Latchaw, of the World, and they went out; and he sent for another one, and sent him with Mr. Barnes; and called in Inspector McLaughlin, and told him to tell his men to look out for him.

Q. I ask you again, for the third time, if the superintendent asked you what crime he was charged with; will you please answer that question? A. No, sir; he asked me if there was a warrant.

Q. Will you please answer my question; did the superintendent ask you what crime he was charged with? A. No, sir; I think not.

Q. Will you swear he did not? A. I may be a little mistaken about it; I am inclined to tell you the best of my recollection about it; I would not like to swear; he may have asked me that question.

Q. Was anything said about forgeries having been committed? A. A.—while we were there—

Q. Was anything said about forgery while you were there? Mr. Nicoll.—Let him answer; he is trying to do his best.

Mr. Goff.—The difficulty is, his speeches are taking up considerable time.

The Witness.—I think possibly there was something said about that.

Q. Who said that? A. I think likely I did myself.

Q. And the superintendent asked you when these forgeries had been committed, didn't he? A. I don't think he did.

Q. Are you as uncertain about that as other things in connection with this conversation? A. I do not desire to be uncertain; I want to tell you the facts; I say I don't think he did; I stand by that.

Q. Do you say he did not? A. I say I do not think that he did; I would be willing to admit it, if he did say that.

Q. I do not ask you that; when the superintendent asked you if there was a warrant out, did he not ask you, if you had made information against Granger? A. Made "information?"

Q. Yes; you know what an "information" is? A. No, not particularly; I do not know in what sense you took it.

Q. I am putting it in the sense the police put it, the proper sense? A. I never heard the word in the police department in connection with criminality at all.

Q. You never heard the word "information" used in the police department in connection with criminality? A. No, sir.

Q. During your nine years experience? A. No, sir.

Q. You never heard the complaint filed before a police magistrate or made before a police magistrate, was called an information? A. Do you mean on information and belief?

Q. No; did you ever hear that paper called an information? A. No.

Q. This is the first time you ever heard that word used? A. Yes, sir.

Q. Did the superintendent ask you if any complaint had been made before any police magistrate? A. No, sir; he did not ask me that question at all.

Q. Didn't you say to the superintendent that there had been warrants issued against Granger? A. No, sir; I did not.

Q. You swear to that positively? A. Yes, he asked me the question.

Q. Wait a while; did you say, "I understand there were warrants out for him last night;" did you utter those words? A. No, sir.

Q. Do you swear positively? A. I swear positively that I made no such statement as that at all.

Q. In words or substance? A. Oh, nothing — warrants out last night; that is in reference to night before last?

Q. I ask you for words, not for occasion? A. I told you the superintendent asked me if there were any warrants out for his arrest, and I told him I had not knowledge to that fact, and he wanted to know what ground he could hold him on.

Q. You have sworn you did not utter those words; that is all I want? A. Yes,

Q. And you stand by that? A. Yes; Mr. Latchaw, of the World, is present; I am willing to let him go on the stand in reference to that matter; Mr. Latchaw, of the World, asked that I would give him a detective and thought he could find him, sir; he was present at the time of the interview with the superintendent.

Q. Will you stand with what Mr. Latchaw says? A. I think Mr. Latchaw is an honorable gentleman; I have every reason to believe so.

Q. Have you talked with other persons besides the superintendent, about Granger's testimony against you, the other day? A. Other persons?

Q. Yes.

Chairman Lexow.—What is the object of this kind of examination, Mr. Goff.

Mr. Goff.—We want to see if we cannot trace some knowledge of this witness, Granger.

The witness.—If you will permit me to answer that absolutely and directly, I will be pleased to answer it as positively as it is possible for any human being to answer it, just as clearly as it is possible for any human being to answer it. I say to you absolutely and positively that I am not a party to keeping him away from here. There is nothing in the world that I so much want at this particular time, as to have that man in this witness chair again.

Chairman Lexow.—This closes this episode. It seems to me we can get at those facts in a more direct way, if you need them.

Mr. Goff.—All right, Mr. Chairman.

Q. Have you brought your bank-books, Mr. McClave? A. Yes (Producing three bank-books.)

Q. The year before you were appointed police commissioner in 1883, did you represent yourself to any of the commercial agencies, as to your worth in business? A. I have no recollection of it, sir.

Q. Did you ever make any representations to the mercantile agencies of your worth in business? A. I do not recall any; they may have come in from time to time, those certain years, and made some general inquiries.

Q. Don't you remember in that year that you ever made a representation of what you were worth? A. I don't recall, sir.

Q. Does your memory fail you on that point, again? A. I can not recollect having made any statements to any mercantile agencies for a great many years.

Q. Verbally, or written, did you ever make a statement to a mercantile agency of what you were worth? A. There have

been statements during my business career, just when, I do not remember.

Q. Do you recall any particular statement you ever made as to your worth in business? A. No, sir; I do not recall of any at the present.

Q. Do you know positively you ever made a statement? A. I would not care to state whether I did or not; I could not tell you positively.

Q. You, as a business man, doing a business of \$500,000 a year, you were not rated in the mercantile agencies? A. The mercantile agencies have rated me for a great many years, I think, for three to five hundred thousand dollars, with the highest credit.

Q. For what year? A. For a number of years back.

Q. What agency has done that? A. Dunn, Barlow & Company.

Q. And any other agency? A. I do not know, sir; I never looked them over.

Q. Are you a subscriber to Dunn, Barlow & Company? A. I have their book in my office.

Q. And have had their book in your office for a great number of years? A. Yes, sir.

Mr. Nicoll.—It is R. G. Dunn & Company you mean, isn't it? The witness.—Yes; R. G. Dunn & Company.

Q. Now, isn't it a fact that you were never rated at R. G. Dunn & Company's before the year 1894, as being worth from three to five hundred thousand dollars? A. No, sir; I think not.

Q. What? A. I think not, sir; I think I have been rated in Dunn & Company's agency, for eight or ten years, that is my recollection of it, at \$500,000.

Q. Don't you know, in 1884, you were rated at \$200,000 dollars in the book of R. G. Dunn & Company? A. No, sir; I do not.

Q. With you state that is the fact? A. I don't think that is so, sir

Q. Do you know anything about it? A. No; I don't remember; I don't recollect making any statement in 1884 at \$200,000.

Q. I ask you the statement R. G. Dun & Company made, to which concern you are a subscriber? A. Now, you are asking me if I made a statement of \$200,000, is that the idea, in 1884?

Q. Mr. McClave, I ask you if R. G. Dunn & Company, to which you were a subscriber, did not rate you in 1884 at \$200,000? A. I do not know; I can not remember; I can not recollect ten years ago.

Q. Don't you know that Bradstreets rated you in 1883, on your own claim, at \$146,000 to \$228,000, on your own claim? A. I don't know, sir; that is in 1883, you say?

Q. In 1883. A. I don't know.

Q. Will you say that is not so, or was not so? A. Will I say I made a statement to them in 1883 of \$143,000?

Q. Yes. A. No.

Q. When a business man is asked for a statement for a mercantile agency, he generally makes what he believes to be a truthful statement, don't he? A. I think the Bradstreet agency has quoted me from \$150,000 to \$200,000; some years ago they asked me for a statement; I think I did make some sort of statement to them at that time, and they did not correct their report; they then asked me again for another statement, and I wrote them a letter and I told them that until I had an assurance that they would quote me correctly, I would not make any report, and I have never heard from them since.

Q. Did you ever make any outside the one you have mentioned; did you ever make a claim except the one you have mentioned; did you ever make a claim for a rating excepting the one you have stated? A. No; I think not.

Q. That is what you claim? A. That is my recollection of it.

Mr. Goff.—Mr. Chairman, on this point of inquiry it may be of interest to the committee, and as Bradstreet's agency have kindly sent their books down here, under charge of their counsel, who is willing to go on the stand and produce them, I will ask you to allow me for a few moments to put him on the stand.

Chairman Lexow.—Step aside, for a few moments, Mr. McClave.

John H. Bird, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your profession, Mr. Bird? A. Am I obliged to criminate myself?

Q. Not unless you wish to make a voluntary statement. A. Well, I am a lawyer.

Q. Then you make that of your own free will, that admission? A. Voluntarily, or involuntarily.

Q. How long have you been in that character? A. I have played that character for about 35 years.

Q. And successfully? A. I think so.

Q. Are you counsel for the Bradstreet Mercantile Agency? A. I am, sir; and have been for a quarter of a century.

Q. Have you in your possession records of that agency in relation to the rating of Mr. McClave—Mr. John McClave? A. I have, sir.

Q. Will you kindly tell us what that statement is, in the year 1893 ?

Mr. Nicoll.—Is this a letter from Mr. McClave ? One moment; what are those papers ? Permit me to cross-examine on the question.

The Witness.—They are the record of the Bradstreet Company, with respect to the commercial standing of Mr. John McClave.

By Mr. Nicoll

Q. Who made them up ? A. Made up by the clerks in the office from statements made by Mr. McClave to them.

Q. Did you make them up ? A. I did not.

Q. Did you collect the information from which they were made up ? A. Personally, Mr. Nicoll, I know nothing about them, except as counsel for the company; being subpoenaed by this committee, I brought the record here.

Q. It is not a part, as I understand, of the business of the counsel for the company to go out and interrogate merchants about their standing; is it ? A. Certainly not.

Q. That is not a part of your professional employment ? A. I have never exercised it.

Q. You have never done that business ? A. Certainly, not, sir.

Q. That being so, you know nothing personally about those records ? A. Personally; no, sir.

Q. Who are the clerks in the firm of Bradstreet & Company who have collected that information recorded on those certificates ?

Mr. Goff.—I object.

Chairman Lexow.—I think counsel has a legal right to put that question, but I do not see why Mr. Nicoll loses his time in making an objection.

Mr. Nicoll.—Perhaps I am wasting time. I am going to object to it on the ground that it is not legal evidence.

Chairman Lexow.—I understand that. Why not let it go in for what it is worth ?

Mr. Nicoll.—I object to it on the ground that it is not legal evidence, and should not be received by a judicial tribunal, and try as hard as it will, the committee can never divest itself of its judicial functions, and the committee should not receive evidence of this sort. I should consider myself derelict in the performance of my duty, if I did not object, that they ought not to receive anything but legal evidence.

Chairman Lexow.—I understand the objection you make that they should produce proof of original sources of information.

Mr. Nicoll.—They should bring the clerk who had the inter-

view with Mr. McClave, and get the information from him as to what he was worth in 1880.

The Witness.—I have here the detailed statement made by Mr. McClave to the company.

Q. In his original handwriting? A. It is not in his own handwriting.

Mr. Nicoll.—If you can produce Mr. McClave's handwriting, I shall make no objection.

The Witness.—If he will look them over, he will probably recognize the statement made by him.

Mr. Goff.—What is the use of wasting time on it?

Chairman Lexow.—I think if this witness will testify that is a correct copy of the records of the office, we will not call for the original document. Unless you desire the originals to be produced, we will allow this testimony to go in.

Mr. Nicoll.—I do desire the originals.

Chairman Lexow.—We will allow the testimony to go in on the statement that this is an original copy.

Mr. Nicoll.—I understood you to say that if I required the originals, these would not be allowed in evidence.

Chairman Lexow.—What I said is this: You will have the right to have the originals produced, if you desire it; but if the witness here testifies this is an exact copy of the originals, we will take this for evidence.

Mr. Goff.—Go on, Mr. Bird.

The Witness.—What year was you asking?

Senator Cantor.—We understand the originals are to be produced?

Chairman Lexow.—Certainly,

By Mr. Goff:

Q. In the year 1883? A. In that year he made returns at \$146,228.50; that is for 1883.

Q. What is the statement there, if any? A. The statement in detail I have before me; I have the detailed statement.

Q. That is his claim for that year? A. Yes.

Q. What did Bradstreet rate him at in that year? A. In 1883; I haven't the record for that; I have for 1884.

Q. Give us 1884? A. The rating of Bradstreet's do you mean, for 1884?

Chairman Lexow.—How is that material, Mr. Goff? This witness, Mr. McClave, may be worth a million, and Bradstreets, for some reason of their own, may rate him at \$1. How is that material, unless it is made on the statement of the defendant?

The Witness.—I have that record here, so far as his claim is concerned. As the chairman says, we are very conservative, and Bradstreets may underrate; we generally do. I have not the claim for 1884 in detail.

Q. Have you it in substance? A. I have our rating for that year.

Q. On his claim? A. Yes, sir; it is as follows: "He regards himself worth close to \$150,000, and there seems no doubt on nominal value that is correct, though on a cash basis, it is believed he could not raise more than \$100,000, which is the estimate given; he has not yet lived down—;" with the permission of the committee, I will not read some private matter.

Q. Is it in relation to the business? A. No, sir.

By Mr. Nicoll:

Q. What is the date of this one? A. November 24, 1883, Mr. Nicoll.

Q. Have you compared the paper that you are now reading from, from what you say is the original in the office? A. This is the original in the office; this does not purport to be a copy of the detailed statement made by the commissioner.

Q. What is it then? A. It is the conclusion reached by the office, after going over his statements, and weighing his authority.

Mr. Nicoll.—I object to that as the merest hearsay.

Chairman Lexow.—Objection sustained.

By Mr. Goff:

Q. You have got his claims in your office, the original claims? A. I do understand.

Q. You have not got his original claims there, Mr. Bird? A. I have not, sir; not for that year.

Q. For any year? A. Yes, sir; I have 1889, in specific detail.

Q. Give us 1889? A. On May 25, 1889, Mr. McClave presented the following detailed statements—

Mr. Nicoll.—May I ask, that I may not interrupt the proceedings any more than possible, whether or not all of these you speak of are copies of statements made by Mr. McClave, which have been verified by yourself?

The Witness.—Not by myself, sir.

Mr. Nicoll.—Gentlemen, can you receive this evidence?

Chairman Lexow.—The ruling has been that, unless the original is produced, if you call for it, this is stricken out.

Mr. Nicoll.—Why shouldn't they produce it?

Chairman Lexow.—Because it takes too much time.

Mr. Nicoll.—It does not take so much time to send to the

Stewart building, which is not five minutes' walk from this building.

Chairman Lexow.—While it bears all the evidence of authenticity, it seems the original ought to be produced, Mr. Goff.

Mr. Goff.—Well, if you rule that way, Mr. Chairman.

Senator O'Connor.—Why not have the witness go to the office and get the original statements, and we won't have any controversy.

The Witness.—We will agree to have this shown to your client, and see if he recognizes it. I do not care to be bothered coming here again, if he recognizes it.

Mr. Nicoll.—Please go and get the original statement; you have wealthy clients.

The Witness.—Yes; I know I am under pay.

Mr. Nicoll.—Go right and get them.

The Witness.—Thank you; I have not been dismissed by the committee, yet.

Chairman Lexow.—Mr. Goff, do you think it better to have Mr. Bird go and get them?

Mr. Goff.—Yes, sir.

(Mr. Bird leaves the stand.)

John W. McClave, resumes the stand.

Direct examination continued by Mr. Goff:

Q. Did you make a statement in 1893? A. Eighteen hundred and ninety-three, sir?

Q. Did you make a statement in 1893? A. A written statement?

Q. I am asking you if you made a statement in 1893, that you were compelled to fail in 1873, with liabilities of \$198,000? A. No, sir; I never made any such statement.

Q. Do you know if anyone connected with you in business with your knowledge made such a statement? A. No, sir; they would not make such a statement, because it was not true.

Q. Never mentioned the cause? A. No; I do not know.

Q. Did you, on December 13, 1888, or about that date, make a statement to the representative of R. G. Dunn & Company, commercial agency, to which you subscribed, that your position as police commissioner, had, to a considerable extent, aided in your success in business? A. No, sir; I never made any such statement.

Q. Do you swear you did not make such a statement? A. Yes, sir; positively.

Q. I read from a statement furnished to me by R. G. Dunn &

Company, in which it states under the date last mentioned—December 13, 1888—“His position as police commissioner, has, to a considerable extent, aided in his success?” A. That is not my statement.

Mr. Nicoll.—Is that put down there as a statement of Mr. McClave, or as a comment of the interviewer?

Chairman Lexow.—I understand counsel has simply asked whether on that date or at that time he made a statement of that kind to R. G. Dunn & Company. That is perfectly proper?

A. No, sir; I did not make such a statement.

Q. Is that the date? A. No; it is not true, sir.

Q. Is it a fact that your police commissionership has aided you in your business? A. It is an absolute fact, sir; that it has not aided me one solitary bit in that respect; my business stands by itself.

Q. I read from a statement made on December 1, 1888, to R. G. Dunn & Company, “From his political interest as police commissioner, he is brought in contact with quite a large demand for lumber, which has increased his otherwise good business;” did you make that statement, or anything like that in substance? A. No, sir; I did not make that statement.

Q. On October 14th, to the same Mercantile Agency, did you make this statement: “Without giving his figures, he says he has done a successful business, and added to his means; this is conceded by those in a position to know, and the amount of his business has no doubt been increased somewhat by the influence of his position as police commissioner;” did you make that statement, or anything in substance? A. No; that is not my statement.

Q. Did you make that statement? A. No.

Q. Or anything in substance like that? A. No; I did not say that.

(Mr. McClave again leaves the stand, and Mr. Bird resumes the stand.)

John H. Bird, resumes the stand:

Direct examination resumed by Mr. Goff:

Mr. Nicoll.—One moment. Where is this gentleman, who occupied that chair a moment ago, while I was occupied talking with Mr. Bird?

Mr. Goff.—He is at your elbow.

Senator Bradley.—I hope you did not think the committee spirited him away, did you?

Mr. Nicoll.—I don't see how they could, unless they were clairvoyants.

Q. Now, Mr. Bird, what papers do you hold in your hand?

A. I hold in my hand a paper, which purports on its face, to be a statement made by John McClave, on the 25th of May, 1889, to the Bradstreet Company, of the standing of his house.

Chairman Lexow.—You mean his business?

A. His business and house; the financial standing.

By Mr. Goff:

Q. Please read it? A. I do not know whether he has seen it.

Q. Never mind; read it?

By Chairman Lexow:

Q. Is it Mr. McClave's writing? A. I don't know; it comes to us.

Q. Is Woodward McClave your son, Mr. McClave?

Mr. John McClave.—S. Wood McClave—yes; he is my eldest son.

By Mr. Goff:

Q. And in business with you?

Mr. McClave.—Yes, sir.

Mr. Bird.—I have also a letter of December 12th, 1890, affirming that statement, directed to the Bradstreet Company, and signed by John McClave; I don't know whether it is his signature or not.

Chairman Lexow.—In order to simplify the thing, won't you hand that to Mr. McClave, and ask him if that is his signature?

By Mr. Goff:

Q. Is that your signature? (handing paper to Mr. McClave).

Mr. Bird.—And this also, Mr. Goff?

By Chairman Lexow:

Q. Are those Mr. McClave's signatures?

Mr. McClave.—Yes, sir.

Chairman Lexow.—Let us continue the examination, Mr. Goff, or it will take all day, on a matter that is not very important.

By Mr. Goff:

Q. Is that your son's signature, Mr. McClave?

Mr. McClave.—Yes, sir.

Q. (To Mr. Bird.) I would suggest that the witness read the subjects, without reading the amounts; it is not necessary to spread them on the records, and then giving the total.

Chairman Lexow.—Just read the subjects, Mr. Witness, and then the total amount.

The Witness.—Nos. 145 and 147 Eleventh avenue, New York city; No. 149 Eleventh avenue, New York city; 151 and 153 Eleventh avenue, New York city; 155 and 157 Eleventh avenue, New York city; 602, 604 and 606 West Twenty-second street, 156 West Seventy-second street, house and furniture; 68 Sherman avenue, Newark, N. J.; seven lots, Newark, N. J.; machinery, etc., New York; stables, etc., New York; lumber sheds and fence, New York; merchandise, etc., New York; mortgage receivable, bills receivable in cash, Greenwood lots, office furniture, excluding liabilities of all kinds the sum of the several amounts of value is \$319,000.

Q. What date is that? A. That is for May 25, 1889.

Q. That is signed by whom? A. It is signed John McClave, per S. Wood McClave.

Q. Now, there is a letter here from Mr. McClave indorsing that? A. Am I to read it?

Q. Just state the amount; there is no use in reading the whole letter; Mr. McClave increases his estimate by that letter.

By Chairman Lexow:

Q. What does he state to be the total in the letter? A. I am not familiar with the letter; I will have to read it; it makes, "My present worth \$362,500; this does not include paid-up life insurance policies, and some other personal matters, which in case of death would amount to about \$40,000."

Q. That is signed by John McClave? A. It purports to be signed; I do not know.

Mr. McClave.—That is my signature.

Mr. Nicoll.—I ask to have those put in evidence—marked in evidence, so when I come to examine Mr. McClave, I can use them.

Chairman Lexow.—If Mr. Goff wants them offered in evidence he will have them marked.

Mr. Goff.—We will mark them for identification.

(Papers marked Plaintiff's Exhibits 1 and 2 for identification.)

Plaintiff's "Exhibit No. 1" for Identification.

Office of John McClave, wholesale and retail lumber merchant,
Twenty-second street and Eleventh avenue, New York.

Received, December 15, 1890, New York.

New York, December 12, 1890.

The Bradstreet Company:

Gents.—In answer to the inclosed blank, I beg leave to refer you to my statement made in communication sent you May 25, 1889, which is substantially correct except I find that house and furniture 156 West Seventy-second street cost me more than \$100,000 instead of \$85,000; machinery, etc., should be \$45,000 instead of \$35,000; lumber sheds should be \$4,000 instead of \$2,000; merchandise, etc., should be \$45,000 instead of \$40,000; bills receivable, cash and certificates on hand, all good, \$55,000 instead of \$45,000; Greenwood lots (three) should be \$5,000 instead of \$3,000; and my liabilities are about the same now as they were in May, 1889, viz., \$8,000; by adding the above differences amounting to \$43,000 to my then total worth of \$319,000, it would make my present worth at \$362,500. This does not include paid-up life insurance policies and some other personal matters which, in case of death, would amount to about \$40,000. There is no mortgages on any of my real estate or personal property.

Respectfully yours,

JOHN McCLAVE

Plaintiff's "Exhibit No. 2" for Identification.

New York, May 25th, 1889.

Statement and financial standing of John McClave:

Nos. 145 and 147 Eleventh avenue, New York city....	\$25,000
No. 149 Eleventh avenue, New York city.....	15,000
Nos. 151 and 153 Eleventh avenue, New York city....	20,000
Nos. 155 and 157 Eleventh avenue, New York city....	25,000
Nos. 602, 604 and 606 West Twenty-second street.....	10,000
No. 156 West Seventy-second street, house and furniture	85,000
No. 68 Sherman avenue, Newark, N. J.....	12,000
Seven lots, Newark, N. J.....	3,500
Machinery, etc., New York.....	35,000
Stable, etc., New York.....	5,000
Lumber sheds and fence, New York.....	2,500
Merchandise, etc	40,000
Mortgage receivable, bills receivable in cash.....	45,000

Greenwood lots	\$3,000
Office furniture	1,000
	<hr/>
	\$327,000
Realties of all kinds	8,000
	<hr/>
Total worth	<u>\$319,000</u>

(Signed) JOHN McCLAVE,
Per S. Wood McClave.

John McClave, resumes the stand:

Direct examination resumed by Mr. Goff:

Q. In drawing checks—I did not want to interrupt you.

The Witness.—(After reading letter.) This is in answer to an inquiry you made to me yesterday, in reference to a man that is dead. If you would like to have it, I will give it to you. It comes from the treasurer's bookkeeper, and is in regard to a man named Murray, a man who died, and you wanted to know the date, and that is in reference to that name; that is a statement of the treasurer's bookkeeper in reference to the matter.

Q. Have you any objection to my keeping this note? A. No, sir; you are welcome to it.

Q. In drawing checks upon your different accounts in the Bowery bank, was there any method of difference observed by you as to signature? A. No, sir—oh, yes; there was.

Q. What was the method? A. In the book which was called the personal account, whenever I sent a check on that, I drew to the personal account, and marked it personal account in parenthesis; the other account, the business account, the checks were generally signed by my son, as attorney; he was there all the time; they were signed John McClave.

Q. What is this book, the personal account, this bank-book marked personal; does it represent your deposits in the Bowery bank from the time you opened this personal account, this one book? A. The whole amount there?

Q. It commences on January 2, 1889; had you your personal account in the Bowery bank before that date? A. That represents, substantially, Mr. Goff, the aggregate results of the deposits in the personal account for the entire period that I have been in the police department, for about 10 years.

Q. How frequently did you draw your salary? A. Every month,

Q. And that is at what rate per month? A. Four hundred and sixteen dollars and sixty-six cents per month.

Q. But you have stated that this personal account of yours contained but the deposits representing your monthly salary? A. I have stated, also, Mr. Goff, if you remember, that it sometimes happens in my business office, my son would say to me that he was a little short after a day or two, and in such cases as that I would give him my personal check, which he would deposit in the regular business account, and then he would give me a memorandum check back for it, and as soon as the account got in position I would deposit it back again in the personal account; the aggregate amount of the parties in that personal account, representing 10 years, is about \$64,000 over and above the amount of money that was received for the sale of the house, 156 West Seventy-second street, and for the \$20,000 mortgage placed on 124.

Q. Well, outside of the circumstances or the occurrences, which you have mentioned, those deposits included all that you made in the Bowery bank? A. Yes, sir.

Q. To your personal account? A. Yes, sir.

Q. I call your attention to an item of May 17, 1890, \$416.66; does that represent your monthly salary? A. It must be; that is the amount of it.

Q. I call your attention to the next item, June 12th, the same year, \$3,000; what does that represent? A. That is—I have drawn the check for the business account \$3,000; and that is where it was put back there and deposited there.

Q. I call your attention to the entry of June 28th of \$1,000; do you remember what that is for, deposited in your personal account? A. It would be impossible for me to remember in detail each one of those particular items; I think that I have examined as nearly as I can.

Mr. Nicholl.—May the examination be taken in a tone sufficient to reach the representatives of the press that sit at this table, as well as myself, as well as the counsel for the committee I do not hear a word. Mr. Goff gets up in the presence of Mr. McClave, and I don't hear a word that is going on.

Q. I call your attention—the solicitude of Mr. Nicoll for everyone's interest, but his own is somewhat remarkable.

Mr. Nicholl.—I think the galleries ought to hear.

Q. I call your attention to the entry of \$3,333.38; can you tell me what that represents? A. I think, Mr. Goff, it is a very difficult matter to go over a mass of figures right here.

Q. Well you show me a check for that amount, from the personal account, into the business account? A. I want to state

this fact; I think I have stated it before, that that personal account shows during a period of 10 years an aggregate amount of deposits of \$64,000, over and above what I have stated; that that substantially represents the amount of salary which I have received as a police commissioner, and the \$14,000 profit that I made on the sale of house 156 West Seventy-second street; now, as to going into each one of those details and undertaking to try and carry my mind back as to what this thing is, or that thing means for a period of 10 years, that is an absolute impossibility; I cannot do that; I do not think that there is any business man living can do it, nor do I think anybody else can do it; I ought to be absolutely prepared; I want to be perfectly honest in all my statements I make, and I want to aid Mr. Goff in every possible way to get anything he desires; but there are impossibilities for any man, and that seems to be one of them.

Mr. Nicoll.—In view of that statement, does not the committee think this inquiry has been pursued far enough. He has repeated this statement seven or eight times in the last three days; and is it not impossible for a man to remember an account for that number of years.

Chairman Lexow.—If he can not do it, that answers the question.

Mr. Nicoll.—He has said that several times.

Chairman Lexow.—If Mr. Goff wants to ask him as to two or three items, let him do so.

Mr. Nicoll.—I do not think I could do it.

The Witness.—I have distributed and received \$70,000,000 during that time, and it is impossible for a man to carry those figures in his head. Seventy millions of dollars I have been distributing. I have been taken from my cradle to this very moment, all through my life. My family has been gone into. My grocery bills and butcher bills—

Chairman Lexow.—Hold on, hold on.

The Witness.—How many men are there that could sit in this chair and answer the questions I have. I do not think it is fair. I am bound to protest against it. I want to be honest and fair, and liberal in my testimony, but I say this is not fair.

Chairman Lexow.—We have a public duty here to perform.

The Witness.—I do not agree with you, Mr. Lexow, that the matter into which you are inquiring concerns that, nor do I believe in the particular method in which you are performing it, and I do not think the people of New York would consider it right, if they knew it.

Mr. Nicoll.—No; they do.

The Chairman.—Mr. Nicoll, you need not make such a remark, it is not proper.

Mr. Nicoll.—I do not know that it is proper.

Chairman Lexow.—Go on with the examination.

Q. You appointed Captain Docharty, did you not? A. No, sir; I did not.

Q. Did you make him captain? A. No, sir; I did not.

Q. Who did? A. I don't know, sir; some of the other commissioners; I think Commissioner Martin recommended him for appointment.

Q. You appointed Captain Martens, didn't you? A. I recommended his appointment; yes, sir.

Q. In the sense that each commissioner has number apportioned to him and credited to him; isn't that a fact? A. That is right, sir.

Q. And, consequently, he was your appointment? A. That is charged to me; yes, sir.

Q. And his appointment was made of the date of May 6, 1892? A. I do not recollect the date of the appointment, sir.

Q. I show you the record; this is your own record, Mr. McClave (showing witness book); May 6, 1892? A. That is right; yes, sir.

Q. That was the date he was appointed? A. Yes, sir.

Q. I call your attention to an entry in your personal bank account, the head of May 19, 1892, for \$6,158.16; can you tell us what that is? A. I shall try very hard to tell you, but, as I say, it is impossible to tell of all these items; I should say, Mr. Goff, that that was substantially—that \$6,100 check was drawn, you see there; that was about the same date, in there.

Q. There is no date for the drawing against it? A. No, sir; but those are supposed to take in those same months there; I think it is a check, sir.

Q. Can you tell the committee what that deposit represented, that \$6,158.16? A. It represented, substantially, the \$6,100 that had previously been drawn, and put into the business, and then you go back, if you notice, through the business account; it might vary a few dollars.

Q. How could it be previously drawn when it is after the previous balance on the face of the book? A. Well, you know, here, sometimes these checks, when the books are balanced, some account may be out; for instance, out of that \$55,000, I may have loaned the business that \$6,100, and they may not have paid it back until the next month, and that would come in here, and that shows that the check of \$6,100 was drawn there; what month was that, Mr. Goff?

Q. That is May 19, 1892? A. And the amount is \$6,100, and something?

Q. Six thousand one hundred and fifty-eight dollars and six-

teen cents? A. I find one here \$6,070.96; possibly that may vary a little bit; sometimes I might give them a check for the amount of \$500 to-day, and in a day or two give them \$600; and in a day or two they might have three or four thousand dollars that they could spare, and give it back to me.

Q. Do you remember in what shape a deposit was made of the \$6,158? A. No, sir.

Q. Have you any record or any memorandum whatever that would show what that deposit was for? A. No, sir.

(Senator O'Connor takes the chair.)

Q. Since you have testified that nothing went into his personal account, except your monthly salary of \$416, and the purchase sale of your house, and some little investments, now, can you tell if that \$6,158.16 represented either an investment or the sale of any property? A. No; I think I have explained that to you, Mr. Goff, by saying what the systems of transfers between the two are, and if you will take the personal account, and go over the aggregate of it, and find out the result there, of the \$64,000, it seems to me that would straighten that matter for you.

Q. I would like to be straightened out on this item, if you can straighten it out? A. I would not undertake it; I think there was a check for about that same amount, and of the same date that was drawn and put in the business.

Q. That appears to be after? A. What is the balance there; I drew \$6,100, and afterwards deposited —

Q. I am not so much interested in what you drew out and what you put in? A. I have explained that to you; I certainly can not explain to you any clearer than I have in reference to those matters; I have done my best to make them as clear to you as I can.

Q. The item of \$6,158.16 not being in that business book, can you explain what that item is for? A. There is a check in my business book for about the same amount, and there is also a check in that personal account for about that same amount, having been drawn out, at about that same time.

By Chairman O'Connor:

Q. Do you account for it, except it was deposits in the personal account, and by previous withdrawals from your personal account to your business account? A. That is all; I can not remember those things.

By Mr. Goff:

Q. Well, it seems that on the same day that you deposited in your personal account, May 19th, the sum of \$6,158.16, you de-

posited in your business account \$2,202.36, so that deposits were made in both accounts on that day? A. I don't think that necessarily follows.

Q. It appears in the books? A. I don't think that necessarily follows.

Q. Let's see; I am speaking of matters now deposited; here is your personal account, which shows on May 17th was deposited \$6,158.16, and on the same date in your business account there is a deposit of—what is that? A. It is \$2,000 and something.

Q. On the same date, a deposit in the business account of \$2,202.36? A. That is a check, sir; that shows the check given to me—\$6,158 and some cents.

Q. In your business? A. Yes, sir; taken from my business and put in there at that time.

Q. But I want to know what it represents; I do not care about its being taken out? A. I can not make it any clearer than I have made it; I prefer to let it stand where it is; so far as I am concerned, I do not think I can make it any clearer.

Q. You have stated to the committee that in your business accounts all matters arising from the sale of lumber, etc., went into your business account, and into your personal account nothing but your salary, with the exception of the sale of your house and some small investments that you said you may have made; I want you to explain it to the committee? A. Will you please add to that the other statement I made in explanation, that sometime, having given to the business account a check and paying back to the business account a check; that shows a deposit on that same day to the business account of the same amount.

Q. I want you to tell how it is on the same date you should deposit \$2,202 in your business account and then deposit \$6,158.16 in your personal account; now, can you explain that? A. Well, the explanation, it seems to me, is the fact that I had given a check out—

Q. Not what it seems, but what it is? A. I can not get at it any clearer, Mr. Goff.

Q. Can you give any explanation? A. No; I would not undertake to give any different than what I have given.

By Chairman O'Connor:

Q. Does the book show a check on your business account for that same amount? A. Yes, sir.

By Mr. Goff:

Q. The books show a draft; it does not show what date for that same amount? A. It is on the same date, sir.

Chairman O'Connor.— It shows what date it is charged up in the account.

Mr. Goff.— They are returned vouchers.

By Chairman O'Connor:

Q. Mr. McClave, how long have you had these books in your possession—recently? A. About 10 months.

Chairman O'Connor.— I suggest, for the purpose of expediting matters, if there is no objection, to let counsel for the committee take these books and he can conduct the questions quicker and more rapidly.

Mr. Goff.— I have not had a chance to compare them.

Chairman O'Connor.— It is a waste of time to examine these books now. Have you any objection to his taking the books until we come back this afternoon?

The Witness.— If he will give them to me this afternoon.

Chairman O'Connor.— Will you give them to him this afternoon?

Mr. Goff.— We will try to.

Mr. Nicoll.— We will take an adjournment?

Chairman O'Connor.— Yes, he can look them over and examine them during recess.

The Witness.— This is the third time he has asked questions concerning them.

Mr. Goff.— They have only been here during the hearing on the sessions.

The Witness.— You have had them and taken them away with you through recess.

Chairman O'Connor.— We will take a recess until 2 o'clock; and in the meantime, Mr. Goff, you can examine those books.

AFTERNOON SESSION.

May 23, 1894.

Present.— The committee and counsel as before.

John McClave resumed the stand.

Direct examination of Mr. Goff continued:

Q. I would like to ask, Mr. McClave, if you can tell the nature of the deposit under the head of November 7th in your personal bank account of \$3,333.38?

Senator Bradley.— What year?

Mr. Goff.— Eighteen hundred and ninety.

The Witness.—I wouldn't like, Mr. Goff, to undertake to go back and try with regard to that.

Q. It is a peculiar amount; do you remember any bill being paid to you by any person of that amount? A. I don't recall anything about it.

Q. This is your personal account, and not your business account? A. Yes; I had explained to you just exactly how that account was made.

Q. By computation it appears that this amount is just one-third of \$10,000, making five cents difference? A. Yes, sir.

Q. Is there anything peculiar about it now that calls it to your recollection? A. It is just possible the \$3,333.38 — isn't that \$333.38, and \$3,000.

Q. This item is just one-third of \$10,000? A. Yes, sir.

Q. Now, it being your business, your personal case, not connected with your business, as you have testified to, does it not appear peculiar — that amount? A. No, sir; it wouldn't appear so to me; I couldn't tell just exactly what it is made from.

Q. From what source could such an amount as that be drawn? A. It would seem as if it took in some different amounts there; I am sure I can not tell; there may be something there that would show it; let me see it.

Q. Certainly. (Handing witness book.) A. There is an amount there of \$3,000, and it would seem as if \$333.38 might be added to it.

Q. You have accounted for that \$3,000 several times; here is another \$3,000 deposit. A. Well, there is \$2,500, and \$833; yes, I can see just exactly where that comes now; there is \$2,500, and it would show two months' salary at \$416.66; that would just make that amount.

Q. You say two months' salary; why, here is an item for \$916.16; that is \$500 in addition to your months' salary; how do you make that out? A. Well, there is \$500 there, sir.

Q. You say that includes your salary; how can you make that out when your salary appears to have been paid in here — to have been deposited? A. Well, that is in July, is it not?

Q. Yes; well, here is your salary? A. This is November.

Q. Here is your salary, \$952.56? A. In July there does not seem to be any salary, and the deposit between July and November, those are the two checks for the salary account.

Q. How did you make out your salary account in that deposit? A. If you will add that \$3,500, and add two months' salary, \$416 each, I think it will just come to that; won't it?

Senator O'Connor.—Six cents less.

The Witness.—About the same thing there.

Q. I don't understand that computation; I want to know how you spent it— A. I have explained to you, Mr. Goff, over and over again, that when I gave a check out in my business, say there is \$2,500 that was returned, come back to me from the business account—now, that would seem to show that two months' salary had been added to that \$2,500.

Q. Is there any book in existence, or any memorandum in existence, which will bear out what you have now stated? A. Do those passbooks go back to that date; no, I don't think they do.

Q. No; you haven't brought your passbooks beyond 1881. A. They were destroyed by the fire; you have got my books back to 1889; my personal account; you have my business accounts back to 1891; now, I had explained to you that all those books prior to those dates, I have brought them all to you; all that I had were destroyed by fire April 12.

Q. You have explained, or at least attempted an explanation of one item of \$3,000; now, there is another item of \$3,000, which you deposited in your private bank account?

Senator Bradley.—Under what date?

Mr. Goff.—January 12, 1892.

A. Now, you see, Mr. Goff, there is \$2,000 and \$1,000.

Q. I don't care how you spent it. A. I haven't spent it; it is not spent at all; the book there proves conclusively that those checks were drawn out; the amounts are there, and they were deposited back.

Q. I am not inquiring what you drew out; I am inquiring about what you put in? A. Well, it shows just exactly what I put in.

Q. Where did you get that money from? A. The book shows where I got it from.

Q. Explain that. A. There is \$2,000 and \$1,000.

Q. Those show the return drafts? A. That shows that I got back a return draft that I had drawn and deposited in the business account from the private account; that is what it shows, and that shows when that book was balanced those drafts came back to me again, and that accounts for the \$3,000 deposit.

Q. Do you mean to say, then that you borrowed \$3,000 from your business account? A. No, I didn't borrow that; as a rule, I drew a check for that, or checks; when I drew my checks for my private account, of \$3,000, and when the business account gave it back to me, I deposited it back in that again.

Q. And that is your explanation of how that deposit was made? A. Yes, sir; and that is my explanation of all matters in that personal book, outside of my salary; \$55,000 and the \$25,000.

Q. What motive was there for you to draw checks from your

business when we find by those checks that there were deposits made in your business account on the same date? A. The business account may have been a little short, for a day or for two days; that frequently occurs.

Q. Your book shows that deposits have been made from day to day in your business account? A. Not in my personal account.

Q. In your business account? A. Yes, in my business account; we make them pretty nearly every day.

Q. Your business account shows that deposits were made from day to day? A. My business account shows deposits made—

Q. Your business account shows that deposits were made from day to day? A. Yes, sir.

Q. Doesn't that imply that your business went on, making deposits from your business sources? A. Certainly; but doesn't it imply also this fact: suppose I had \$10,000 in my business account to-day, and I had a payment of \$12,000 to make, it would be \$2,000 short, wouldn't it? Now, supposing I loaned from my private account \$2,000 for a few days to tide me over to make that good, and they gave it to me as soon as they got the account again.

Q. I confess it is beyond my understanding. A. It is not beyond a business man's; a business man can clearly understand that, Mr. Goff.

Q. You have testified from an inspection of the record from headquarters, that Captain Price was appointed by you on December 23, 1892? A. Whatever the record shows is right.

Q. That is, you have testified, commissioner?— A. What is that?

Q. December 23, 1892, I find in your business account that there was deposited on November 17, 1892, just about one month prior, the sum of \$10,743.02; can you explain to me or give the committee to understand where that deposit came from? A. Oh, that would be impossible, Mr. Goff; this is November 17th.

Q. Yes, just one month prior to Captain Price's appointment by you? A. If you mean to imply that that money came from anything of that kind, I state that is absolutely and positively false.

Q. Please prove the fact and do not assert so much? A. What answer do you want?

Q. Can you account for what that \$10,743 was for? A. I take it for granted that it is for the payment of some bill that I had against somebody or other.

Q. Can you name it to me? A. No; there are very much larger sums than that in there.

Q. I am asking you about that sum now? A. I don't remember; there is one \$15,000 in there.

Q. Keep down to the question? A. I can not recollect.

Q. Can not give any explanation of it? A. No, sir; excepting it is a bona fide business transaction.

Q. Is there any paper or record in existence that will show what that deposit is? A. Except prior to the fire?

Q. That is December 23d—November 17, 1892? A. None.

Q. None in existence? A. The book don't go back as far as that; the fire was in April, 1892.

Q. April, 1892? A. April, 1892.

Q. That is November? A. Yes, sir.

Q. Now, I find in your personal account of January 17th—that is, two months after the first deposit, and one month after the appointment of Captain Price—I find in your personal account a deposit of \$3,000; can you account for that? A. No, sir; I don't think—that \$3,000, there is \$2,000, and there is \$1,000.

Q. The \$3,000 I am asking you? A. I say, that makes \$3,000, \$1,000 and \$2,000.

Q. That makes \$13,743, that you can not account for, can not trace, the deposits? A. I don't think you ought to put it in that light.

Q. I am asking you if you can account for those deposits? A. I think they are accounted for there.

Q. How did that come and from whom did that come? A. I certainly could not remember where I got a check five years ago for \$10,000 for some of my business; I will say to you this: I have had accounts thirty odd thousand dollars—

Q. This is only a year and a half ago, in 1893, that I am asking you about now; January 7, 1893, a deposit of \$3,000; can you give any account of it? A. I say that that book in your hand, to account for the \$3,000; it shows that I drew a \$2,000 check and a \$1,000 check.

Q. I am not saying what you drew; I am asking where the deposit came from? A. It would necessarily come back to me again, would it not, if I took it back again.

Mr. Bradley.—Were the checks for \$2,000 and \$1,000 drawn before the \$3,000?

Q. Show the senator when they were drawn? A. Here is the return check (indicating); now these are checks, for instance, there is one of \$45,000; that shows that I drew a check of \$45,000 on this account, deposited it in the business account; I took that

check and paid the mortgage off of 124 West Seventy-second street to the New York Life Insurance Company; now, that is the principle.

Q. Answer the question? A. Here is the \$55,000 deposit, which is the sale of the house; this shows here that I drew a check from this account; there is \$3,000 I deposited; I drew a check from this account between these dates of \$1,000 and \$2,000.

Senator O'Connor.—Does it show when the \$2,000 and the \$1,000 was drawn? A. The bank system don't put the date for the return vouchers, no bank puts the date; but the date must be between those dates necessarily; it has got to be between those dates.

By Mr. Goff:

Q. But it may be after the deposits? A. Such a thing might be possible.

By Senator Cantor:

Q. They don't put any memorandum of the dates of the vouchers? A. No; no bank ever does that.

By Mr. Goff:

Q. I find also in your personal account that on January 31, 1893, that is two weeks after the \$3,000 was deposited, that there was \$2,000 deposited; have you any additional answer to make? A. I am going to answer all your questions in connection with that matter just the same as I did answer the other; I think I have been perfectly fair about it; as fair as a man might be expected to be.

Q. You have testified that Captain Strauss was appointed by you? A. Yes, sir; that is true.

Q. And appointed December 30, 1891? A. I don't remember; whatever the record shows.

Q. The record shows that; you have identified it? A. I think I have.

Q. I find on your personal account of October 2, 1891, that there is an entry of a deposit of \$3,916.66; can you explain that? A. That would seem to imply that I got salary of \$416 and \$3,500.

Q. Your salary deducted from that amount would leave \$3,500? A. It seems to be the \$416 of salary.

Q. Can you say from what source that \$3,500 was drawn? A. No, sir. I cannot say; it seems to me that it is impossible for a human being to say so in connection with a matter of that kind.

Q. I understood you to say that the highest check which you drew upon the bank of North America, where the police pension

fund was deposited, was the sum of \$750? A. Yes, sir; I should think so.

Q. That would be for the superintendent? A. I don't remember that there was any superintendent at that time; I am inclined to think—;

Q. That would be the highest? A. Excepting in this case; suppose that a man had been dismissed from the department—so that you will understand it—and the courts had reinstated him under the law, for all unexpended balances of money in the hands of the treasurer for the uniform police force go to the police pension fund—now supposing that after a year or two years the court puts back a man, that money has been deposited in the pension fund, and by resolution of the board of police commissioners, it goes back to the salary account of the uniformed members of the force, and that is paid; now, outside of that, I cannot conceive of anything that we had to pay; here the other day a man drew nearly \$4,000 out of the pension fund; those are dismissed from the department.

Q. You didn't make that explanation the other day? A. I don't think there was anything that brought it out.

Q. I asked you the highest sum that could be paid out of that pension fund? A. For a pension.

Q. Is there not some other cause by which the pension fund could be drawn upon except the ones you have indicated? A. If there is any check you desire in connection with the pension fund of the police department, if you will state to me what it is, if such a check ever existed, I will promise to give it to you; I can not do any more than that, can I? And I repeat the statement over and over again that it is a thorough, absolute, perfect absurdity for you or anybody else to suppose that the treasurer of the police department could ever draw one dollar of the police funds and use it for his own personal purposes.

Q. Now that you are through, will you please take a memorandum of some checks that I would like you to produce? A. Yes, sir; if you will give them to me I will produce them.

Q. Will you please produce check dated January 23, 1890?

Senator O'Connor.—There might have been more than one check on that date, might there not?

The Witness.—There might have been a hundred checks on that day; there are about 1,200 pensioners; we draw 1,200 of them every quarter; if you can give me the amount, you had better do that; I will bring, however, every check under date of January 23, 1890; that will cover that ground.

Senator O'Connor.—You will produce all the checks of that date?

The Witness.— Yes, sir; I will produce them all.

Q. It is suggested to me that you direct your bookkeeper to bring those stub-books down again from the Banks of North America for 1890? A. Yes, sir; are there any other dates you want?

Q. No, not at the present time; you testified here before that it was common rumor in the police department that appointments and promotions had to be paid for? A. I have testified, Mr. Goff, to this effect—

Q. I haven't asked you that question. A. Let me quote you the language under which I testified; I testified to the fact that never since the police department was created, 40 odd years ago, I don't believe there has ever been a time when rumors of that kind have not been afloat, no matter who the commissioners have been.

Q. When you get through— A. Yes, sir; that is the answer that I made before to you, sir.

Q. I asked you if those rumors were not in circulation since you were commissioner of the department, and you answered that they were? A. Yes, sir; that is true.

Q. I asked you if you ever took occasion to investigate those rumors, either as an individual commissioner or by action of the board, and you answered that you did not? A. No, sir.

Q. Did you ever hear those rumors affecting you personally? A. No, sir.

Q. Did you ever hear anything said whatever in connection with the appointment of certain policemen to promoted places that connected your name with their appointments? A. Never heard of such a thing, Mr. Goff.

Q. You never heard of such a thing? A. No, sir.

Q. And you say here to-day that you are in absolute ignorance of any rumor or report ever having been in circulation in this city touching certain captains and sergeants whom you appointed having paid for their promotion? A. Yes, sir.

Q. That is an absolute truth? A. That is an absolute fact, sir.

Q. An absolute truth; do you know a man by the name of Griffith? A. Griffith? Not to my recollection; what is his business?

Q. The name is peculiar in itself, I think; do you know a man by the name of Griffith? A. I don't recall, sir, of knowing any one of that name.

Q. You knew a man who kept Sixth Avenue hotel? A. Whereabouts on Sixth avenue?

Q. Don't you remember the trial that you presided at where you declared the house not to be a disorderly house? A. I declared?

Q. You and your brother commissioners? A. Now, I stand

right upon my report in regard to that vote, Mr. Goff, as well as every other vote.

Q. Do you know the house? A. That house was built when I was a boy; I lived in Forty-fifth street—

Q. Did you know the proprietor of that house? A. I did not, sir; I never knew him in my life, sir.

Q. Answer my question? A. I have.

Q. Did you ever know the name of Griffith before? A. In ~~the~~ connection?

Q. In that connection? A. No, sir; never; not to my recollection.

Q. An absolute stranger to you? A. An absolute stranger to me.

Q. Did you ever know that Captain Stevenson, whom you appointed to the police force, was reputed to have paid for his appointment. A. I never heard of such a thing, sir.

Q. This is the first thing you have ever heard? A. Yes, sir; the first that I have ever heard.

Q. Did you know that Griffith was a friend of his? A. I never knew that, sir.

Q. Where was Captain Stevenson put after his promotion? A. I couldn't tell you that; you will have to refer to the records.

Q. Don't you know he was sent up among the goats? A. In the upper part of the city?

Q. Yes? A. Not as I remember of; I couldn't tell you to save my life; the record will show.

Q. Don't you remember Griffith calling upon you and telling you that unless Stevenson was put in the uptown precinct he would make trouble? A. Mr. Goff—

Q. Now come, answer yes or no? A. No, sir; any man that ever told you that tells an absolute unqualified lie.

By Senator Bradley:

Q. Answer the question. A. No, sir; I don't know Mr. Griffith; never to my knowledge have I ever seen him in my life.

Q. You have heard your son-in-law here testify in relation to the appointment of a policeman by the name of Solomon Cohn, have you not? A. I remember his testimony here, sir, the other day; I don't recall any particular names in connection with it.

Q. Don't you remember that he testified about a policeman that was half an inch too short, and that when he paid \$30 he grew up? A. I heard his testimony on that; it was absolutely false, however.

Q. It is an absolute falsehood? A. Yes, sir; I will show you that in a minute—

Senator O'Connor.—When your counsel comes to examine you he will bring out all these explanations.

Q. Did you ever have any conversation with your son-in-law in reference to Cohn? A. No, never in my life.

Q. Nor have any written communication with any one in reference to Cohn? A. Not to any recollection of mine.

Now, you are positive about anything that you characterize as an absolute falsehood? A. I haven't the slightest recollection of any man by the name of Cohn that I ever appointed; such a man might have been appointed, but if I recollect correctly, after Mr. Granger's testimony the other day, the young man went up to headquarters, and I think he said there was no such name on the records of the police department.

Q. As Solomon Cohn? A. Yes, sir; they gave me a memorandum at the time, and I know that most of these names never existed.

Q. And you have no recollection of it? A. No, sir.

Q. Do you remember ever having received a letter from Cohn?

A. Oh, I couldn't tell; the Cohn, a policeman?

Q. Yes; this Solomon Cohn? A. If he was a policeman.

Q. Yes? A. Every man that makes an application writes in his own hand the application.

Q. Did you receive a letter from him in addition to his application? A. I haven't any recollection of it, sir.

Q. Did you receive a letter from your son-in-law in reference to Cohn? A. I don't think that I did.

Q. You don't think that you did? A. No, sir.

Q. Are you as positive in that belief as you are in the other things that you have testified to as falsehoods? A. I think I am pretty clear in that, Mr. Goff.

Q. You stated that it was your custom that when a person made an application to you to require that he should secure the endorsement of some well known citizen. A. Somebody.

Q. That is an invariable rule with you? A. Somebody that I know.

Q. So far as your son-in-law's testimony is concerned touching Solomon Cohn, you denounce it as absolutely untrue? A. In what respect?

Q. In all respects. A. I don't just recall what he testified to as to Cohn now; if you will make the statement—

Q. You testified here a moment ago that your memory was refreshed as to his height? A. Yes, sir; I say if he made any statements as to that it is absolutely false, because he has to pass two boards of surgeons, one of the civil service and examining boards; I should call a police surgeon, if I were you, Mr. Goff, in reference to that.

Q. Is that your son-in-law's signature (paper shown witness)?

A. That is his name.

Q. Is that his writing? A. Yes, sir.

Q. Do you remember ever having received that letter? A. Yes, sir; that seems to be dated October 25, 1889, and the letter would seem to explain about it.

Q. I will look after the dates? A. Yes; was the man appointed? I don't know.

Q. Now, there is some paper here; it is an application on the paper of a police department of the city; do you remember that (another paper shown witness)? A. That must be his handwriting, sir; yes, sir; residing at 262 West One Hundred and Twenty-fourth street; is that the man Mr. Granger said lived in Jersey?

Q. No; it was Cooper lived in Jersey, but Cohns all lived in New York; now this paper reads—it is called an application? A. I would like to have you read the paper.

Q. It reads: "Police department of the city of New York, No. 500 Mulberry street, New York, November 13, 1888." Bear the date in your mind, please. "Honorable John McClave, police commissioner.—Dear Sir: I would like to get the position of patrolman on the police force, as I would like to better my position, for I have worked for G. W. Judd for the past nine years, driving truck, at 145 West street, New York, and would like to better it if I could. I remain, yours respectfully, Solomon Cohn, 262 West One Hundred and Twenty-fourth street." Now, this letter that you received from your son-in-law has the printed heading, "G. Granger, produce merchant, 145 West street, New York." I do not read the whole of it, but in reference to the business: "New York, October 25, 1889"—remember the date. A. The other one was 1888.

Q. One year after Cohn's application? A. It ordinarily takes a year or a year and a half to get on the eligible list.

Q. Ordinarily? A. Yes, sir.

Q. That is the rule? A. As a rule from the time they first make their application, unless it just happens to strike the examination of the civil service board, it will take from a year to a year and a half before their papers come back; they only hold one examination a year sometimes; never more than two.

Q. After the civil service board certifies them to you how long does it take for the appointment to be made? A. Oh, they are generally made within a reasonable time.

Q. What do you call a reasonable time? A. I generally made mine, as a rule, within about a week.

Q. Within about a week? A. Generally that; yes, sir.

Q. This letter of your son-in-law reads 1889; how many years had he been married into your family at this time? A. He had been married in 1887.

Q. That is two years? A. Yes, sir.

Q. "Dear father: The bearer of this is Solomon Cohn, our cartman, who stands No. 30 on the eligible list with a percentage 90.34, and the enclosed letter is the one you desired him to get from Messrs. Ege & Otis, which is considered the most reliable commission house in our business. Not only having passed a good percentage, he has other qualifications which are deemed essential to make a good officer, not having to my knowledge touched any kind of liquor since he has been with us, and others say the same thing of him while in their employ. In asking you to appoint him I ask a favor that I may have no right to, which will only benefit me through his brother, who is our head salesman, and any past favors the bearer has done me in ridding my stuff in time for sale. I write this, as I do not like to bother you by calling when so busy, and I am informed you are to appoint to-day. Trusting that this will reach you in time to be accomplished, I remain, my dear father, your loving son-in-law, Gideon Granger." A. That sounds much like him.

Q. The letter that the writer of this says that you required Cohn to produce simply says: "Ege & Otis. To whom it may concern. This is to certify that we have known Solomon Cohn for several years and have always found him to be sober, honest and industrious and worthy of confidence. Yours truly, Ege & Otis." Dated October 25, 1889, the same date as your son-in-law's letter? A. Yes, sir, and that is a reputable business house.

Mr. Nicoll.—I rise to the statement of a very serious question.

Senator O'Connor.—What is that, Mr. Nicoll? Confine yourself to making the objection.

Mr. Nicoll.—Yes, right to the point. I asked Mr. McClave the night before last, on the occasion of his giving his testimony, to send me all the papers relating to any person in the department connected with anybody who had been mentioned in Granger's testimony. The next morning he, or somebody, his clerk, handed me these letters that have been read here by Mr. Goff. I had them in front of me on this table, and someone—I don't know who—has taken them out of my papers and used them here on the examination of Mr. McClave. I intended to use them on my redirect examination, and I do not believe the committee will countenance such a sort of proceeding against counsel. I want to know from Mr. Goff how he got those papers.

Senator O'Connor.—How can we settle matters of that kind, Mr. Nicoll? If you have lost your papers I do not see how the committee can be responsible for them.

Mr. Nicoll.—But I have not lost my papers. I want to know how these papers came into the possession of Mr. Goff, and I think it is his duty as a brother lawyer of mine to tell me.

Mr. Goff.—I will recognize a privilege of my nationality in answering Mr. Nicoll's question by putting another. How is it that you turned around and threatened Granger, going out of this court-room, by saying that after this trial you would send him to the State prison?

Mr. Nicoll.—To show you that I have not the slightest objection to the exhibition of the papers, I might state that I handed them to Mr. Eggleston of the World and to Mr. Sutherland, and they handed them back. I then put them down here on my desk and in some way or other they were taken from out of my papers and read.

The Witness.—Mr. Barnes handed them to you, Mr. Nicoll; he brought them from police headquarters.

Mr. Goff.—These papers reached me in a perfectly legitimate way so far as I know. They come to me and I use them. I have a right to use them. I know nothing about their being in Mr. McClave's office.

Mr. Nicoll.—They are addressed to him.

Mr. Goff.—There are other papers addressed to him which I have too.

Senator O'Connor.—I do not see how this committee is going to protect counsel in this matter. Mr. Goff disclaims any knowledge of the disappearance of the papers.

Mr. Nicoll.—No, he says the papers came to him through some channel.

Senator Connor.—Mr. Nicoll has a right to know how they came into the possession of Mr. Goff.

Mr. Goff.—I state that I got these papers in a perfectly fair way.

Mr. Nicoll.—We have not so far forgotten ourselves as to act towards each other than as honorable men and as lawyers. I just asked Mr. Sutherland, "Did you give those papers to Mr. Goff?" he said, "No; I gave them back to you." I have no idea that Mr. Eggleston gave them to Mr. Goff, for I have known him for many years. What I want to know is, have I got to sit around here with a rail around me? Are the gentlemen here ready to purloin my papers on every hand and then use them in this way?

Mr. Goff.—This is altogether an unseemly exhibition.

Mr. Nicoll.—I beg the gentleman's pardon. It is not, and if it occurred in a court of justice imagine the indignant reprimand that would follow.

Senator Pound.—Who do you ask us to reprimand?

Mr. Nicoll.—I do not ask you to reprimand anybody because I do not suppose you will reprimand anybody. I do ask you to instruct counsel to tell me how he became in possession of papers belonging to me.

Mr. Goff.—The whole thing is simply this, I received these papers in an envelope directed to me, without any name or anything else. I got them this morning.

Mr. Nicoll.—You do not know where they came from?

Mr. Goff.—I know no more about it than you, Mr. Chairman. I suppose I have received 20 anonymous communications this morning. I did not know whether they were ever in Mr. McClave's possession or not.

Senator Pound.—You knew nothing about them until you received them?

Mr. Goff.—No, sir; nothing.

Senator O'Connor.—And you received them through the mails?

Mr. Goff.—Yes, sir.

Senator O'Connor.—I do not see how we can control those matters. Evidently Mr. Goff has been in receipt of various anonymous communications. He received these papers among many others.

Senator Cantor.—But these are not anonymous?

Senator O'Connor.—If you will trace out the man, Mr. Nicoll, that purloins your papers, we will exclude him from this court room. Mr. Goff makes a perfectly legitimate explanation of his custody of these papers. I do not see how we can question it. If you can get the man who did that I will assure you that his attendance before this committee will be very brief.

Mr. Nicoll.—I care nothing about these papers. They were brought to me for my use in cross-examination and I must ask the committee to supply me with some seat which will be sufficiently guarded.

Senator O'Connor.—You must be more choice in your company. Proceed with the examination.

Mr. Nicoll.—See where I sit, counsel to the right of me, counsel to the left of me, counsel in front of me, audience behind me, and I can not leave a paper upon the desk unless it disappears.

Senator Bradley.—Then you had better get a rattling gun.

Mr. Goff.—I wish to say about two words in the matter. I received those papers in the manner I have explained. When I saw the nature of the papers, looked at them, for there were no means for me to look to identify them beyond the fact that they came to me and the newspaper comment, it struck me that Mr. McClave had denied knowledge of the existence of the Cohn transaction, and I would be false to my duty if I did not avail myself of the opportunity to use these papers.

Senator O'Connor.—We see the materiality of these papers. It simply shows that a transaction of that kind existed. Whether Mr. McClave remembers it or not is another matter.

Mr. Nicoll—I got them for cross-examination.

Witness.—Mr. Nudd has been in the room for two days always ready to testify.

By Mr. Goff:

Q. Do you remember a matter while Superintendent Murray was at the head of the department being brought before the board touching certain charges made in a public newspaper in this city accusing the police department of protecting gambling hells and other places of evil resort. A. I don't recall it, sir.

Q. Don't recall that either? A. No, sir.

Q. Do you remember the board of police commissioners passing a resolution requiring the author or person alleging these charges to go before the board and give testimony relating to them? A. How long ago is that?

Q. In 1892? A. I don't know, sir; the record will show that.

Q. Have you no recollection of it? A. No, sir.

Q. No recollection of it? A. No, sir.

Q. Do you remember the board passing this resolution, adopted at a meeting of the board of police held February 9, 1892: Whereas, In the edition of the Mail and Express of February 5, 1892, appeared an article charging the police department of this city with affording protection to violations of the law and receiving specific money considerations therefor: Resolved, That the superintendent cause prompt and rigid investigation to be made into the aforesaid allegation and all matters pertaining thereto, and that he call upon the author of said charges and upon any and all persons for the submission of proof in substantiation thereof, reporting the result thereof to this board to the end that such action may be taken as the proofs submitted may warrant or justify." Do you remember that resolution? A. Yes, sir, I do; I think it a very proper one.

Q. That being a proper resolution and your remembering it, do you remember what steps were taken in pursuance of that resolution? A. I know this: That the Mail and Express had made a number of statements that liquor saloons, more particularly along the lines of Eighth and Third avenue were open and violating excise law; they came out every night in the paper, giving the places and the date, or the street they were located in; the papers seemed to follow up that so persistently that the board of police commissioners thought it would be very proper to order an investigation and find out whether or not there was any truth in those statements; they were so investigated, and reports were made back to the board of police commissioners; they are a mat-

ter of record in the department, and my recollection of it is now that about two-thirds of all the places as stated as being liquor saloons had never been liquor saloons at all; they were tailor shops and dry goods stores and baker shops, and everything else but liquor saloons — a very large number of them; those were the reports that came back to the board; that is my recollection of it.

Q. Are you not reckless in that statement? A. No, sir.

Q. You are clear upon the facts of your answer? A. Quite clear that in very many of those cases that was found to be the fact.

Q. You say they made charges to you of liquor saloons being open; let me read to you a list of charges that they made: Faro banks, No. 512 Sixth avenue, Albert J. Adams; did you ever hear of such a man? A. I have heard that there was such a man in existence, but I have never yet seen him.

Q. We will call him Al. Adams. A. I have never met such a man.

Q. Do you know him as a gambler? A. I know no such a thing.

Q. As a backer of policy shops? A. I know no such thing.

Q. Has he never been raided since you were commissioner of police in any of his faro banks in this city? A. I don't know.

Q. Do you know anything at all about faro banks? A. I don't know a faro bank when I see it.

Q. Do you know anything about the existence of faro banks in this city? A. I know of none; I have no knowledge of them.

Q. I am not asking you for your personal knowledge; I am asking you as a commissioner of police? A. I have no knowledge.

Q. You have no knowledge of a faro bank existing in this city? A. If you say my personal knowledge of a faro bank, I have no personal knowledge at all; if you should ask me this question: Has any gambling place existed in the city of New York; has any house of prostitution ever existed in the city of New York; has any improper place of that character ever existed? I would say to you very promptly, Mr. Goff, yes; always have existed, always will exist; do exist to a greater or less extent to-day, and exist in every large city in the universe; but I would also add, Mr. Goff, that I believe that crime of all kinds is kept down better in the city of New York than it is in any other city; and I would say to you that if crime did not exist, if there were no violations of law, the city of New York need not pay \$5,000,000 a year for its police force; you need have no courts, no jury, and you need not arrest 85,000 or 90,000 people every year of our lives; that is what it is expended for; I would not be such a fool as to sit here and say different; I believe to-day there are as many prostitutes in the city of New York as there as ever was; that is my honest

conviction; all the difference is that they are located in flats and apartment-houses, and such places as that.

Q. You say that gambling-houses and faro banks and all such institutions will always be in the city of New York? A. Yes, sir; that is my belief of it.

Q. You say they will always be in the city of New York? A. Yes, sir.

Q. Do you expect to be in the police department? A. I hope not; I would prefer that you were there in my place; perhaps you think you might run it better than it is at present.

Q. I know I would not have so much money in the bank if I were a police commissioner? A. If you had worked as hard as I have you would; you have put proof in here that before I went into the police department I was worth as much money as I am here to-day; your own witnesses testified to that fact.

Q. Try and keep your temper. A. It is pretty hard work to keep that with you sometimes; you are a pretty severe cross-examiner, and if I had you in this chair for three days as you have had me, perhaps you would not stand it as well as I do; I appreciate you and I know that you are a very able man.

Q. No. 529 Sixth avenue, Albert J. Adams, do you remember ever knowing of a faro bank there? A. I never knew—personally, I never knew of a faro bank in my life; I never was in one in my life; I never was in a gambling-house.

Q. No. 7 Park place, Albert J. Adams; do you know anything of that place? A. No, sir.

Q. No. 84 West Thirty-first street, Albert J. Adams; do you know anything about that place? A. I will answer you generally that I know nothing about any faro bank in the city of New York.

Q. I am asking you as a commissioner of police? A. And I am answering you.

Q. No. 88 West Thirty-first street, Albert J. Adams; did you ever hear anything of that? A. I never heard of any of those places.

Q. No. 238 West Thirty-first street, Gideon Howell; do you know of that? A. I do not know it.

Q. No. 38 Dey street, Jim Wakely; do you know of that? A. No, sir.

Q. No. 35 West One Hundred and Forty-second street, Bob Moran; do you know of that? A. These matters never have come before us at all officially, and that is all.

Q. No. 101 West Thirty-fourth street, Henry Goddey? A. I don't know any of these people.

Q. No. 161 West Thirty-first street, John Kelly; do you know of that? A. No, sir.

Q. No. 32 West Thirty-sixth street, Canfield & Co.; did you ever hear of Canfield gambling house? A. No, sir.

Q. Or John Daly? A. I have heard his name frequently, many times.

Q. No. 19 East Twenty-sixth street, Thurby, Eden & Mead; did you ever hear of that gambling house? A. No, sir.

Q. No. 37 Broadway, Lon Maynard; did you hear of that? A. Is that that they existed

Q. I am giving you the charges which state that they existed, made against the police department; this is the charge on which this resolution was passed; No. 35 West Thirty-fifth street, French Red; did you know anything about that? A. No.

Q. No. 5. West Thirty-fourth street, Charley Reed; do you know anything about that? A. No, sir.

Q. No. 39 West Twenty-ninth street, John Daly; do you know anything about that? A. No, sir.

Q. No. 8, Barclay street, Connors & Daly? A. I know nothing about them.

Q. Twelve, Ann street, Connors & Doyle? A. I know nothing, except they come officially,!

Q. No. 1, Ann street, George Costigan? A. The same answer.

Q. No. 3, Barclay street, Pat Gallagher? A. I say the same answer; the only way I would hear of these places would be under an official communication; under that resolution there would be an answer to all these things.

Q. No. 2277, Third avenue, Bob Hughes; No. 59, Fulton street, Isaacs & Co.; 137 West Forty-second street, Jim Trapprahagen; No. 141 West Forty-first street, Crawford & Co.; No. 57 West Twenty-eighth street, Dink Davis; now, commissioner, these charges were published in the newspapers referred to, and the board of police passed a resolution instructing the superintendent to investigate these charges; you have testified to that, and recognized the resolution? A. I stand by the record, whatever the record shows.

Q. I will read to you the letter from the superintendent in conformity with your resolution: "Editor Mail and Express. February 10, 1892. I inclose you herewith copy of preamble and resolution adopted by the board of police, at a meeting held February 9, 1892, relating to the publication in the Mail and Express of February 5th, of charges against the members of this department, alleging that protection is afforded by them to violators of the law for money consideration. I respectfully ask that you will at once furnish to me such proof in relation

thereto as may be in your possession or in that of any other person within your knowledge, in order that I may cause prompt and rigid investigation therein. Very truly yours, William Murray, superintendent." Do you remember anything about that letter? A. That you take from the official record?

Q. Yes, sir? A. That must have been the letter that the superintendent sent to the Mail and Express, and afterwards he has made his report to the police commissioners, sending to them a copy of the letter, which he had sent to the Mail and Express with whatever information he had in reference to it.

Q. Did the board of police hear the testimony of one single witness regarding those charges? A. Perhaps they were not true.

Q. Did the board of police hear the testimony of one single witness regarding those charges? A. Won't you show us the report of the superintendent?

Q. Answer the question? A. I can not recollect.

By Senator O'Connor:

Q. Do you remember? A. No, sir; I don't remember.

Q. Have you no recollection? A. No.

By Mr. Goff:

Q. Now, as a matter of fact, the board of police commissioners dropped the matter absolutely after they passed that resolution, did they not? A. Perhaps the report of the superintendent would show that there was not a word of truth in it.

Q. Don't you know that when charges of such a serious character as those were, made by a responsible newspaper, charging the department, of which you, as one of the commissioners, were the head—charging you with corruption—was it not your duty to institute an investigation of the truth or falsity of those charges yourself? A. No, sir.

Q. It was not? A. No.

Q. That is your understanding? A. That is my understanding of it; it would keep us busy all the time to investigate these rumors.

Q. I wish I had your vitality, commissioner? A. I wish I had yours, Mr. Goff; I hope I may get it some day.

Q. Do you understand your duties as a police commissioner to be such that when serious charges, charging corruption to your department, are made by a responsible newspaper of this city, that it is not your duty to take cognizance of these charges? A. Excepting an investigation were ordered.

Q. Could you not have sent for persons to have appeared before you? A. That is just exactly what the superintendent did; that is what his letter to the Mail and Express meant.

Q. Could you not have subpoenaed and compelled the persons who made those charges to come before you? A. Suppose—

Q. Never mind any supposition. A. We have to rely on the superintendent.

Q. Couldn't the commissioners themselves have issued subpoenas and, under the law, compelled the attendance? A. No; under the law the police commissioners can not through subpoena compel a witness to appear before our court; that was tried; we had a case two or three weeks ago.

By Senator O'Connor:

Q. Is that the law? A. We can not make them come; Commissioner McLean can tell you all about that.

Q. You mean witnesses outside of the police department? A. Yes, sir.

Q. You have the power to compel the attendance of members of your own body? A. Oh, yes; but he is talking about the Mail and Express people coming there; we can not compel them to come; the superintendent of the department wrote them a letter and asked them to come and make these charges; now, I would like to see the superintendent's report and make that clear.

By Senator Pounds:

Q. Well, they didn't come? A. Couldn't get them to come.

By Mr. Goff:

Q. I read from section 251 of the Consolidation Act: "The board of police shall have power to issue subpoenas attested in the name of its president to compel the attendance of witnesses upon any proceedings authorized by its rules and regulations." A. Yes, sir; but we have had a taste of it, and if you will consult Commissioner McLean, who is a lawyer—

Q. Wait, commissioner, wait; is there anything in the rules and regulations of the police department touching the preferring of charges of corruption and bribery against the department or any of its members; is there anything in the rules or regulations touching the preferring of charges of corruption and bribery against the department or any of its members? A. That, sir, is conduct unbecoming an officer, and if there was any knowledge of that fact, why the charge would be made instantly.

Q. Suppose a person who is not an officer makes such charges publicly? A. Why don't they go to police headquarters?

Q. Suppose a person who is not an officer makes such charges publicly that you, the police commissioners, are accepting bribes for the protection of crime in this city, have you nothing in your rules and regulations looking to the investigation of those charges? A. We could do simply just exactly what was done in that case; the attention of the board must have been called to some of those statements; they passed the resolutions which you have read; they referred it to the superintendent to investigate and report, and the superintendent shows by that letter which you read that he did communicate with the Mail and Express people, and asked them to come forward and substantiate the statements which they had made; now, if you will go further and take the reports of the superintendent of police, you will find that his report back to the board of police commissioners carries with it a copy of his letter to the Mail and Express; now, whatever that says I will stand by.

Q. What I want the committee of Senators to understand is this: Is this the fact—that when serious charges of corruption and bribery are made by any person against the department as a department, does the department, represented by its commissioners, take no action whatever upon those charges except refer it to the superintendent? A. We would not make a complaint on a newspaper report.

Senator O'Connor.—The statute confines them to the subpoenaing of witnesses for the purpose of enforcing the rules of their own department. Now, have they any such rule authorizing them to investigate charges made against themselves?

Mr. Goff.—But they had a rule authorizing them to suppress any such places. Of course, the commissioners are not expected to go out themselves; they have to do it through the executive of the department.

Senator O'Connor.—Is there any limit under the law creating the department limiting the power of the commissioners to make rules.

Mr. Goff.—No limit.

Witness.—Yes, sir.

Senator O'Connor.—The impropriety of a rule of that kind would be the men charged with corruption investigating themselves, and I can say here that they would not investigate it with that power.

Mr. Goff.—That may be, but at the same time, Senator, it appears that here is a department and by the rules they impose the responsibility upon the superintendent to see that the cap-

ains do their duty. Each captain is charged in his own precinct with the suppression of these gambling-houses. Now, here are public charges that gambling houses are protected, and setting them out by name and address, and the police commissioners do nothing whatever; do not hold any trial; put no captain on trial; put no superintendent on trial; but direct the superintendent to investigate; and he writes a letter to the paper preferring these charges saying, we would like to have your proofs; there is the fact.

Mr. Nicoll.—That is all there is to it, and that exhausts the whole subject. The superintendent wrote a letter to the newspaper. He made his report back to the board of police, which has not been produced.

Senator O'Connor.—It appears that the commissioners did nothing except to rely on the report of the superintendent.

Mr. Goff.—That is it.

Senator O'Connor.—Now, the question is: Could they have done anything more?

Mr. Nicoll.—To explain that letter.

Senator O'Connor.—Yes.

Mr. Goff.—Rule 26 of the department reads: "It shall be the duty of the superintendent to enforce in the city of New York, under the laws of the State, the ordinances of the city of New York, and ordinances of the board of health, and the rules and regulations of the board of police, and abate all gaming houses, rooms and premises and places kept or used for lewd or obscene purposes, and amusements, and places kept or used for the sale of lottery tickets or policy or for any other unlawful purpose, whatsoever." Now, there is the point. Did the board of police commissioners investigate the superintendent, whether or not he failed to conform to Rule 26, these charges having been alleged against him.

Witness.—Supposing that the superintendent's report showed that there was no truth in the charges?

Senator O'Connor.—The point is this: They charge that these places existed. It was the duty of the superintendent to repress them, and he makes a report exonerating them.

Witness.—Suppose he makes a report from the Mail and Express people themselves?

Mr. Nicoll.—I ask that the committee have the report read to them.

Senator O'Connor.—Have you the report there, Mr. Goff?

Mr. Goff.—No, sir; I have not.

Senator O'Connor.—I see what Mr. Goff is after. These charges were made against this person himself. The board,

instead of taking any active measures themselves, referred it to the incriminated person and relied on his say so.

The Witness.—The superintendent, under the laws of the State of New York, is an executive officer of the police department, and that is the proper channel through which it should go. We could put him upon trial if we had proper grounds for it, but we must have proper proof.

Senator Bradley.—Can not you compel him to furnish the proof?

Witness.—Not at all. He sends back his report to the board of police commissioners. Now, this report may show that the Mail and Express people themselves, in every one of the places specified there is a report as to that particular place, showing what it is, where it is and what there is of it.

Q. Do you mean to say that Superintendent Murray reported that the places that I have read just now were not gambling places; will you take the responsibility of saying that? A. One moment—

Q. Will you take the responsibility of saying that? A. That would be a foolish thing for me to say; let the report speak for itself.

Q. You have just stated to Senator O'Connor that in the superintendent's report, it will be found that every house—and you put your one finger on the other—that every house will be referred to and described, every place noted; now, do you wish to state that Superintendent Murray's report referred to every house that I have read to you?

Mr. Nicholl.—What I want to say is this, I do not think he ought to endeavor to prove by this witness the contents of the superintendent's report, inasmuch as all the reports are open to counsel and to the committee.

Senator O'Connor.—He can test the witness' memory.

Witness.—I want to help you, if I can, Mr. Godd.

By Senator O'Connor:

Q. Now, do you understand the question? A. I think I do; my answer to that would be simply this, that if the resolution passed by the board of police commissioners was passed in connection with the particular places which you have mentioned, then the report from the superintendent back to the board of police commissioners would necessarily report upon each one of those particular places, showing whether or not there were any truths in that statement.

Q. Will you take the responsibility now of stating that there was ever a report made to the board of police commissioners,

that John Daly's house was not a gambling-house; as I have read over that list? A. Will I make that statement?

Q. That any of the dozen places belonging to Al Adams were not gambling-houses? A. It may have stated it was closed or had been a gambling-house, or something of that kind.

Q. That is, closed while the report was being made? A. Oh, no; it would not state that fact; that would be a perfect absurdity; the report will speak for itself; I haven't any doubt that that will explain it clearly.

By Senator O'Connell:

Q. Your board has power, has it not, to investigate any charges made by any person against any member of the force excepting the commissioners themselves and to compel the attendance of witnesses to establish them? A. I think you strike the point there as matter of law, when you state that the subpoenas which are served by the police department can really compel only those witnesses that are connected with the department to attend; in relation to our rules and regulations, you have struck it there; we have had very few cases, not very many of them, since I have been in the department—I don't suppose there have ever been more than three or four cases where the parties refused to come forward; I remember one case where we went to the supreme court, and got a subpoena when they refused to come up; we had a case within four or five weeks, and Commissioner McLean was struggling very hard to get a witness for us, and he didn't succeed.

By Mr. Goff:

Q. Will you swear that John Daly's gambling-house isn't open to-day? A. No, sir; I don't know where it is.

Q. The most notorious gambling-house in New York, and you a police commissioner, don't know where it is? A. I know there is a man named Daly; I have never been in a gambling-house; it is up around Thirtieth street.

Q. Will you testify that there are any gambling-houses to-day doing business in New York? A. I have no knowledge of any.

Q. I am talking of your knowledge as a commissioner of police? A. I have no official knowledge.

Q. Have you inquired? A. As to the fact of their being in existence?

Q. Yes. A. The general rules of the department provide—

Q. Have you inquired? A. I can not say that I have lately.

Q. When was the last time? A. I think that I have within a year or two; I think I have heard the superintendent or others in the department saying that there were rumors of a gambling-

house being opened, and the superintendent has told me that there were none open in the city of New York.

Q. You read the newspapers frequently in the city of New York? A. Yes, sir.

Q. Do you remember about reading of this bookkeeper down here who lost \$20,000 in a policy-shop about a year ago, this old bookkeeper in a paper house? A. I think that was a good many years ago.

Q. No, a year ago. A. Weren't there some arrests made in connection with it?

Q. Yes; he is in State prison now. A. I remember there was a case; what the amount is I don't know; the parties were arrested.

Q. And you never inquired about the gambling-houses or policy-shops where he lost his employer's money, did you? A. Now, that you may clearly understand it —

Q. I think I understand it. A. The reports necessarily come through the superintendent unless the attention of the commissioners is specially directed in some way or other, and then we would ask the superintendent for a report on those facts.

Q. So that, if I understand it, if matters come to your knowledge as a commissioner of police which you know to be violations of the law, and neglect on the part of the department, you do not take any cognizance of it, unless it is brought to your attention officially? A. That is the customary way.

Q. That is the way the board of police commissioners does its work? A. If we had any knowledge, we would direct the superintendent to investigate it, and report back to us.

Q. Did you ever direct the superintendent to investigate anything within the past two years? A. Superintendent Byrnes?

Q. Yes. A. I don't recall it, sir.

By Mr. Nicoll:

Q. He investigates a good deal himself, don't he; the superintendent is pretty active himself isn't he? A. I thought so.

By Mr. Goff:

Q. Wasn't the superintendent so active in his investigation that you and your beloved fellow Tammany commissioners, Sheehan and Martin, called the superintendent to task?

Senator Cantor.—I object to that, as a member of the committee.

Mr. Nicoll.—I object to it.

Senator O'Connor.—I would avoid any question with irritation in it. What we want is the fact.

Mr. Goff.—I ask to take the word beloved out, then.

Senator O'Connor.—The counsel will avoid any insinuations in the question. We only want the facts.

Q. I ask if you and your fellow commissioners, whom you have called Tammany commissioners, and whom you have stated you always voted with— **A.** State the rest of it.

Q. Because you believed them to be right? **A.** I never knew them to do anything wrong.

Q. Did you and these gentlemen not call Superintendent Byrnes to account by reason of the publications in the newspapers as to friction between Superintendent Byrnes and the commissioners; will you swear you didn't? **A.** Call him to account?

Q. Yes; call him to account. **A.** In what way?

Q. Call him to account? **A.** Personally or collectively?

Q. The three of you, individually? **A.** No, sir; I answer positively, no, sir.

Q. That is as true as everything else you have testified to? **A.** Everything else I have said.

Q. That you three commissioners did not call Superintendent Byrnes into your room, and take him to task, and ask him to suppress the newspaper publications, criticising the police commissioners? **A.** There is not a word of truth in it.

Q. Not a word of truth in it? **A.** No, sir; not a bit.

Q. How many trials, do you say, take place in a year? **A.** I should say pretty near 5,000, in that neighborhood; between about 4,500 and 5,000.

Q. What is the course adopted—? **A.** Sir?

Q. What is the course of procedure adopted by the commissioners with regard to proceedings at these trials? **A.** The commissioners rotate in their trials, one sitting one week, and the other the other week, excepting the cases of superior officers, and in those cases all of the commissioners sit.

By Senator Bradley:

Q. What do you mean by superior officers? **A.** Inspectors, captains, sergeants.

By Senator O'Connor:

Q. All over the grade of sergeant? **A.** Yes, sir.

By Mr. Goff:

Q. In cases where all the commissioners do not preside at the trial, what rule is adopted? **A.** When the cases are tried the

stenographer takes down the testimony in shorthand; he then puts it in typewritten form, and forwards it when completed to the trial commissioner in a large envelope, indorsing upon the back of it the name of the officer against whom the complaint was made, the nature of the complaint, the date of it, and the complainant; at the bottom of that is a place upon which the judgment is to be marked; now, in cases of ordinary violation of the rules such as being off relieving point, or off post, unless too long a time, the trial commissioner after those papers come back from the stenographer, places upon the back what in his judgment would seem to be a proper penalty in the case; by custom, the Board has very largely adopted about the same penalty for the same character of offense, and the trial commissioner takes that before the full board of police commissioners, and calls the attention of the board to the fact that there are 50, 75, 100 or 125 cases, whatever there might be; that there is marked upon those cases no penalty in excess of a certain number of days; for all the more serious cases, such as sleeping upon post, or intoxication, or assault upon citizens, after the trial commissioner receives back the testimony he sends it around to the different commissioners to read the testimony, and when they have all completed it and sent it back to the trial commissioner he takes it again before the board of commissioners and call their attention to that fact, and then they discuss it and agree upon a penalty; that is the general system.

Q. Suppose an officer commits an act which is not only a violation of the rules of the department, but also a violation of the criminal law of the State, does the department take any cognizance of his act in violating the law of the State? A. That would necessarily be a part of the charge, sir, if that was true.

Q. Suppose an officer is accused of committing a felonious assault upon a citizen? A. Yes, sir.

Q. That is a violation of the rules of the department? A. Yes, sir.

Q. What would you call it? A. Conduct unbecoming an officer—to wit, assault upon so and so; then the affidavit of the party making the complaint would be with it.

Q. Take such a case where a policeman is accused of felonious assault, and he is put on trial before the commissioners, and the commissioners find him guilty and impose the penalty that they think proper under the circumstances; do the commissioners take any pains to ascertain whether or no that officer shall be punished by the courts of the State? A. The citizen himself has a right to go there.

Q. I am simply asking you if the department— A. No, sir; he commissioners do not do that; it very frequently happens that

prior to a trial, after a complaint is made to police headquarters, or during the trial, the citizen himself goes before the grand jury and has the officer indicted; and pretty generally in such cases as that, if the commissioners go on with the trial at all, they generally hold back the papers until they see what disposition has been made of the case by the courts.

Q. I will take the case of Sergeant McCartney, for instance; do you remember that case? A. No, sir; I don't remember it.

Q. I will try and call it to your attention; do you remember the case of the police sergeant who kicked the teeth down the man's neck in Jefferson Market Police Court just as he was being led away from the desk? A. How long ago was that?

Q. A few months ago. A. I think I remember such a case as that.

Q. You presided at that trial with your fellow commissioners? A. I fancy so.

Q. You read over the testimony, anyway? A. If I were present at a board meeting at which action was taken I was part of it.

Q. You signed the judgment? A. Yes, sir.

Q. Do you remember that Judge Voorhees, who was once a fellow-commissioner of yours, was a witness on that trial against the sergeant? A. I guess very likely that is so to some extent, testifying to some facts that came before him in the court.

Q. Yes. A. That is true.

Q. I hand you an envelope from the board of police, the official envelope, and ask you what the letters "D, C," under the word "Judgment" means? A. Dismissed complaint, sir.

Q. You recognize that as the official envelope of the police board? A. Yes; sent by the police clerk; I will explain how that comes here.

Q. That is all right; we had it by the courtesy of the chief clerk. A. I say I will explain how that come to be marked that way.

Q. This charge is under the title of "conduct unbecoming an officer?" A. Yes, sir.

Q. And the specification is: "Did cause the arrest of one David Bryant, did violently assault him, did falsely accuse him of assault," etc.? A. That is the charge.

Q. The specification? A. Yes, sir.

Q. You had the complainant Bryant before you? A. The paper would show that fact, if it is true.

Q. (Reading.) "David Bryant being duly sworn, doth depose and say, as follows: I am a car driver on the Central Cross-Town Railroad Company, Fourteenth street division, and reside at 756 Greenwich street in the city of New York; on the 19th of June,

1898, at about 2; north 5 p. m.; I was on my car at the corner of Fourteenth street and Ninth avenue going east; a man walked in front of my car, took the horses by the head and swung them around, pulling the reins out of my hand; I got off the car, picked up the reins and then asked the man why he done it; at this he struck me and I struck him back, and then jumped on my car; the man followed me on the car and pulled me off; I again got on the car and he again pulled me off; he then got on the car and said, "I place you under arrest;" I then tied the reins and stood on the street, the man remaining on the platform of the car; Officer Henry E. Hopper, ninth precinct, came up, and I asked him to take the man off the car;" he replied, "He is my superior officer;" "the man then got off the car and said to Officer Henry E. Hopper: 'This man is under arrest; I want you to take him in;' I then asked the man for his authority, and he made no reply; Officer Henry E. Hopper said to him: 'Why don't you show him your authority?' he then put his hand in his pocket and pulled out his sergeant's badge; at this Officer Hopper took me by the arm, when the sergeant, Frank McCartney, ran at me and struck me in the eye with his fist; I was taken to the ninth precinct stationhouse by Officer Hopper and from there to Jefferson Market, where I was charged with assault and put under \$300 bail; after being placed under bail by the police magistrate, the said sergeant, Frank McCartney, said to me: 'You are my prisoner;' and in a rough manner, grabbed me by the left arm; I said to the sergeant: 'I would like to see a friend;' he replied: 'You will see no friend here;' taking me toward the prison pen; I had walked about four or five steps outside the court room when he struck me in the face; I stooped to save myself and he again struck me; in the meantime three or four officers got hold of me, and while I was in a stooping position the said sergeant, Frank McCartney, kicked me in the mouth; I broke away from the officers and ran into the court before the justice and said: 'Judge, look at the way I am;' showing my face, the way it was bleeding; the judge then called the sergeant back and asked him why he had assaulted me, and the sergeant denied having done so; I was then directed by the judge to make a complaint against the sergeant;" on behalf of this complainant a number of witnesses were examined, were they not? A. The record will show.

Q. Judge Voorhees, who presided at the bench and before whom he was brought bleeding, was examined on behalf of the complainant, was he not? A. The record will show that.

Q. And Judge Voorhees testified that the sergeant had blood spattered all over his face from the bloody face of the prisoner; do you remember that? A. I don't recollect the particular testimony.

Q. And in the face of that testimony the board of police dismissed the complaint? A. If that is the mark on the back of it.

Q. You have seen the mark? A. You have read the whole of it.

Q. I have simply read the complaint? A. Are you going to convict an officer on the complaint?

Q. Outside of the complainant, didn't all the witnesses who appeared for the defendant belong to the police department? A. I don't know, sir; I don't remember.

Q. Isn't that the usual course of trial at police headquarters? A. Oh, no; gracious, no; we have sometimes 30 or 40 citizens there in one case; perhaps I am a little at random; we tried one case a little while ago where we were 12 days, sitting at it from morning to night; there is Mr. Grant over there, who conducts a good many trials; he will no doubt enlighten you on that.

Q. Would you like to have Mr. Grant testify on that? A. I wouldn't object at all, sir.

Mr. Goff.—As the commissioner has been kind enough to call the attention of the committee to the presence of a well-known member of the bar in this city, Mr. Grant, saying that he knows more about police trials than possibly any other man in New York outside of the commissioners —

Senator O'Connor.—Pardon me, Mr. Goff. What do you want us to imply by this? That they are corrupt in their decisions, by not convicting on the conflicting testimony?

Mr. Goff.—Not in that term; not that they would give a decision for a money consideration.

Senator O'Connor.—But that they stand by their officers?

Mr. Goff.—We will get to that evidence.

Q. I hand you the record of the police department concerning the record of Francis McCarten, the sergeant referred to, and, by court, it appears that he has been on trial 12 times for various kinds of offenses; if you can count up the number in columns? A. He was appointed in 1883; yes, sir; is that a sergeant; oh, you have it marked here.

Q. Yes; I have just counted up the number; yes, I have just counted up the number; that would be about 12 times? A. Yes, sir; once a year.

Q. Here is a case against James Law, of the fifth precinct, charged with the violation of the rules; I merely want you to identify the envelope. (Paper handed the witness.)

Mr. Nicoll.—What is the date of that?

The Witness.—November 24, 1888.

Q. Judgment was rendered there January 25, 1892, commissioner? A. The date of the complaint is November 24, 1888.

Q. Just wait a moment; there is the judgment (paper handed witness). A. I think the trial there must be wrong.

Q. There is the date of the trial, December 2, 1891; in this case, in the case of James Law, the complaint was by one of his superior officers, that his bedclothing was in a filthy condition and his body was unclean; and for that offense he was dismissed from the department? A. The record shows that, does it?

Q. Yes; there is the record; he was dismissed the department on that complaint (paper shown witness)? A. Yes; he had a very bad record.

Senator O'Connor.—For what?

Mr. Goff.—For having his bed and his body in an unclean condition.

The Witness.—That is a very serious thing, to have an unclean officer sleep in a bed with other officers. Are you through with that case, Mr. Goff?

Mr. Goff.—Yes.

The Witness.—He seems to have been a bad officer.

The Counsel.—He had 29 charges against him.

Senator O'Connor.—I suppose, Mr. Goff, you ask the committee to imply that officers are dismissed on slight charges and retained on serious charges, and that it is done because of political influence?

Mr. Goff.—Yes, sir.

Senator O'Connor.—How can the committee determine that without having the case before it?

Mr. Goff.—We get that from the official record, and we will assume here, if the honorable Senators please, that the judgment of the commissioners is final. In this case the judgment is that he should be dismissed the force because his bed clothing was unclean.

Witness.—Was he reinstated?

Senator Cantor.—The judgment of the police department is not final is it?

Mr. Goff.—It is as to its discipline.

Mr. Nicoll.—Before the committee can form a proper judgment upon the subject must they now have all the evidence before them, and especially the evidence with regard to the record of the officer?

Senator O'Connor.—I assume so, but you can not put all the evidence in at once.

Mr. Nicoll.—This question makes it appear that the officer was dismissed because his person was unclean, but it also appears that he had 29 charges of misconduct against him. Now, it might have been a very proper exercise of authority on the part of the commissioners to have dismissed him under the circum-

stances, although it would have been an improper exercise of authority on their part had they dismissed him in the first instance on such a charge.

Senator O'Connor.—So far as it appears, there is nothing in either of those cases where we could pitch into the action of the police department unless it is connected with something else.

Mr. Nicoll.—How is that?

Senator O'Connor.—There is nothing in those two cases as they stand now that would warrant us in coming to any adverse opinion against the police department unless some thing further is shown.

Mr. Nicoll.—Then I move to strike it out now.

Senator O'Connor.—Oh, so. We want all the light we can get.

By Mr. Goff:

Q. In this case Martin Hannify, twenty-fourth precinct, the complaint is, conduct unbecoming an officer in that he assaulted a citizen with his baton and kicked him and used vile language to him, etc.; the complainant said, in his complaint: "On October 26th, complainant was standing at the corner of Sixty-first street and Tenth avenue; officer came up and said, what are you tramps doing here insulting respectable people; and then, without provocation, struck me several violent blows on the head with the baton, and kicked me; I complained to the stationhouse and was asked to come later and identify the officer; I passed Hannify on the street and looked for his number, when he drew his club and attempted to strike me, saying, you son of a b——, get off this avenue; I run to my home and the officer followed me to within 25 feet of it;" that officer was found guilty of that charge, was he not? (Papers shown witness.) A. That would seem to imply, Mr. Goff, that that was true; he may not have been found guilty as to the entire charge.

Q. But he was found guilty? A. Yes, sir.

Q. Guilty on the specifications? A. Yes, sir; he may have been found guilty on some one point in the specifications.

Q. Well, he was guilty? A. Yes, sir; I recollect that.

Q. And his penalty was two days? A. Yes, sir; that seems to be the mark.

Q. Fined two days' pay? A. Yes, sir.

Q. How much is that? A. It is marked in the judgment paper.

Q. How much is the two days' pay? A. Six dollars and some thing; it is marked in the judgment paper.

Q. Six dollars and fifty-two cents? A. Yes, sir.

Q. That was the extent of the penalty? A. Yes, sir.

Q. These two cases that I have just called your attention to,

one man for having his bedclothing unclean and his body unclean, was dismissed the force? A. Yes, sir.

Q. The other man, on complaint of a citizen, whom he kicked and threatened with a club, and used abusive language towards, was fined the sum of six dollars and fifty-seven cents? A. If you will read the entire testimony in both cases—

Q. You found him guilty on it? A. Yes; guilty of some particular portion.

Q. Your judgment says "Guilty"? A. Yes; if he had been actually guilty of a serious charge like that he would have been given a heavier penalty.

Q. What do you mean by that— A. Is there more than one specification charged?

Q. No; there is only one specification; now, you found him guilty on one specification, did you not? A. That would seem to imply it.

Q. And having found this officer guilty of committing an offense of such a grave character upon a citizen, you fined him to the extent of six dollars and fifty-seven cents? A. That seems to be it.

Q. Did you not know that that act was a felony? A. I can not tell unless I read the evidence in the case.

Q. You know that you found him guilty of striking a citizen with a club? A. It was not proven in the complaint.

Q. If it were not proven in the complaint how did you come, as a commissioner, under your oath of office, to pronounce this man guilty? A. Well, I am trying to explain that.

Q. How did you come to do it? A. Because the testimony in the case would justify such a judgment; that is the judgment of the entire board of commissioners.

Q. Precisely; that is just the point. A. Three years ago.

Q. And this man, having been found guilty of an offense which under the law of this State is a felony, and liable to imprisonment for five years in the State's prison, you fined him six dollars and fifty-seven cents? A. I simply say that I stand by the record; right by the testimony; whatever it shows in this case I am willing to stand by.

Q. Here is the record. A. Put the entire case in evidence.

Mr. Goff.—We will, if you want it? A. That is all; you would seem to make it a very serious thing from a statement that would not look so serious if the testimony were read.

Q. Did you, or the board of which you are a member, take any steps after declaring and adjudging this officer guilty of an offense which, under the laws of this State, was a State prison

offense; did you take any steps to see that he was prosecuted for that offense? A. No, sir.

Q. And you were satisfied with imposing the penalty of a judgment of six dollars and some cents on him? A. Imposing the penalty stated by law.

Q. So that a policeman can have the privilege of clubbing a citizen for six dollars? A. Wherever we find that it is a serious offense of clubbing a citizen we break the officer, in every such case.

Senator O'Connor.—The evidence in a case of that kind might disclose a very slight offense, and the rules of the department might find him guilty and punish accordingly.

Mr. Goff.—But the complaint of itself must be true or false.

Senator O'Connor.—For instance, a man is indicted for felonious assault, in the first degree, by the grand jury, yet you can convict him of assault and battery. The offense charged is really under the charge of conduct unbecoming an officer. Now, while the specification of the complaint might be a serious one, as, for instance, in this case, where you charge that teeth were kicked down the complainant's throat, yet the evidence might disclose that that was very much exaggerated.

Mr. Goff.—In that case the commissioners decided that the complainants and Judge Voorhees must have testified untruthfully.

Senator O'Connor.—There are five members of this committee who are lawyers and who have had a great deal of experience in the trial of criminal cases, and they know very well that a complaint under the charge of conduct unbecoming an officer, although it might be very aggravated in the complaint, yet when you come to get all the evidence in it might have justified the commissioners in making the disposition they did.

Mr. Goff.—It may be proper to state the object we have in introducing this line of testimony. These are only a few cases taken before the commissioner here. They go to show that in so far as the members of the police force of the city of New York are concerned they are, practically speaking, relieved from the operation of the law of the State; in other words, that a policeman in the city of New York may commit offenses against citizens, and, practically speaking, always escape the punishment that would follow those offenses if committed by a private citizen.

Senator O'Connor.—Why does not the district attorney punish them?

Mr. Nicol.—I can hardly permit a statement of that sort without answering it, inasmuch as I convicted and sent to State's

prison myself a large number of police officers during the time I was district attorney, and I think Mr. Goff did the same during the time he was assistant. The functions of the police commissioners are purely disciplinary. The functions of the district attorney's office are to enforce the penalty, and quite a large number of police officers have been sent to State prison during the last ten years for offenses committed against citizens.

Mr. Goff.—There has been one conviction in the city of New York of a policeman within the past quarter of a century of the crime of oppression. Just think of it! One! of the crime of oppression in this city. And it is an open and notorious fact that the crime has been committed over and over again. The conviction was such an astonishment to everybody that it fastened itself in my memory a few months ago.

Mr. Nicoll.—But during my term there were convictions of assault of various kinds; for assault with intent to commit rape and for a variety of offences; and so there was during Mr. Goff's term. I have no doubt that he himself has convicted police officers.

Mr. Goff.—We do not wish to exaggerate at all, but we do think it is proper to bring to the attention of this committee, this fact, which is borne out by the records as far as our search has enabled us. I am not blaming the police commissioners for any infraction of duty as far as they are concerned. I say, they may act as they think proper; but what I mean to say is that, in effect, from whatever cause, that the uniform police of the city of New York, are, practically speaking, exempted from the operations of the law of the land.

Mr. Nicoll.—Everybody knows that that is not true.

Mr. Goff.—Then we will prove it. I simply say that the result of the trials of the cases will show that not one per cent. of the policemen who have been tried at headquarters and convicted for acts that would constitute a felonious offence, had ever been prosecuted in the courts of this State or any legal proceedings ever been taken against them.

Senator O'Connor.—Whose fault was that?

Mr. Goff.—I do not know.

Senator O'Connor.—May it be charged to the commissioners of police?

Mr. Goff.—It is something growing out of the system, but I am not directly charging this to Mr. McClave or any other individual commissioner.

Senator O'Connor.—I presume their power to act against the police is to have discipline. Now, is it any part of the duties of the police commissioners to go before the district attorney?

Mr. Goff.—I do not claim that it is. I simply want to bring the condition of affairs to your attention, that you may devise some remedy. It is a startling thing that 4,000 men in the city of New York, are, practically speaking, exempted from the penalties of a violation of the law of the land.

Senator O'Connor.—It is a very unfortunate condition if it exists.

Mr. Nicoll.—You live yourself, Senator O'Connor, within three or four hours ride of the city of New York. Senator Bradley lives in Brooklyn. You all live within a short distance from here. You are all just as familiar, by reason of your services in the Legislature and from the different measures you have to pass upon affecting the city of New York, as either Mr. Goff or myself, as regards its condition. Therefore, you know that that statement of his is perfectly absurd, and you know that you have got nothing in the world to do except to open the criminal records of this county and find there the record of conviction after conviction of police officers for various offences against the law. I am astonished beyond measure that seriously, before you know the contrary so well, that your own counsel should urge such a proposition. If you had never heard of the city of New York before, if this was your first visit, if this was the first time that you ever had any occasion to deal with its administration, I could well understand counsel making such a deliverance. But in view of your extraordinary and exact knowledge of our condition it seems to me surprising that he should deliver himself of such a statement as that.

Senator O'Connor.—We will take the evidence just the same.

Mr. Nicoll.—Of course, anything we can get, even my papers. When can we take an adjournment?

Senator O'Connor.—We will adjourn now if you wish.

Mr. Nicoll.—I wish before you adjourn, Mr. Chairman, that you would impress upon those present the necessity of holding these sessions with exactness and precision; that we meet exactly at half-past 10 and sit until 1; and that then we take our lunch and come back at 2 sharp.

Senator Bradley.—Mr. Nicoll, would you try by to-morrow morning and produce 10 convictions of policemen that have been made within the last 10 years in the city of New York.

Mr. Nicoll.—Why, yes. The first man almost that I convicted was Sergeant Crowley.

Mr. Goff.—And the only other one is the only one you ever convicted, and he was pardoned.

Mr. Nicoll.—He was not pardoned until this year. Now does not the committee feel the duty imposed upon them and their

counsel to send for the friends and relatives of this missing witness, Granger, and examine them as to his whereabouts. Now, this man, as I understand from some of the newspapers, is in Jersey. It appears that he has in town a father and other relatives and friends. Mr. Jerome, who at one time was his counsel, knows who these people are. Why shouldn't we find this out?

Senator O'Connor.—If he is not introduced his entire testimony will be stricken from the record.

Mr. Nicoll.—Why isn't he produced? Why not subpoena those people who know where he is? I ask the committee to direct counsel to subpoena those persons for to-morrow morning.

Mr. Goff.—We have done everything in our power and we have in the name of this committee invoked the great and powerful police department of this city to produce this man. As Senator Bradley said, if they wanted to produce him they could do so in 24 hours.

Senator Bradley.—Did Superintendent Byrnes send out a general alarm last night?

Mr. Goff.—That is Mr. McClave's testimony.

Senator Bradley.—I was waiting very anxiously to hear about that, that there was a general alarm sent out.

Senator O'Connor.—(To Sergeant-at-Arms Schramm.) You employ all the necessary assistants to arrest this man if you can find him in the State of New York.

Mr. Nicoll.—There is a man named Mulry who came here to-day and said he was around Harlem after he left Mr. Goff's house that night. I suggest that you send for Mulry and let Mulry tell where he saw him around Harlem.

Senator O'Connor.—The sergeant-at-arms will exert every power he has to get this witness, Granger, here.

Mr. Nicoll.—Will the sergeant-at-arms be instructed to send for Granger's father?

Senator O'Connor.—Have Mr. Granger here to-morrow morning, if you can get him here.

The committee adjourned to Thursday, May 24, 1894, at 10:30 a. m.

Proceedings of the sixteenth meeting of the committee, in the city of New York, Thursday, May 24, 1894, at 10:30 a. m.:

Present.—All of the committee, except Senators Lexow and Saxton.

Counsel on both sides present.

Chairman O'Connor.—Mr. Goff, are you ready to proceed—in Mr. Nicoll here?

Mr. Nicoll.—Yes; I am here.

Mr. Goff.—Mr. Chairman and gentlemen, there is a witness here this morning who has very important engagements of a business character, which require attention, and I should like to put him on at once.

Chairman O'Connor.—Who is the witness?

Mr. Goff.—Mr. Webb is the witness.

Chairman O'Connor.—We recognize the importance of his business engagement, and we have no objection to his being sworn. Take the stand, Mr. Webb.

Henry Walter Webb, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are an officer of the New York Central Railroad Company? A. I am.

Q. What is your designation? A. I am third vice-president of the New York Central Railroad Company.

Q. Your office and residence is in the city of New York? A. My office is; I reside at Scarsborough, on the Hudson river.

Q. In the early part of this year, 1894, did you give money to any person, who claimed that he was an applicant for appointment on the police force? A. No, sir.

Q. Did you give a check? A. No, sir—it is a question of time that I am speaking of—it was not during that period of time.

Q. I will let you state in your own way the transaction? A. I think it was about a year ago that I was interested in a young man, who was an applicant, for the appointment on the police force, and for whom I endeavored to secure an appointment, and he came to me one day and asked me to loan him \$300, which I did.

Q. Did you have knowledge of his application, before he asked you for the loan of \$300? A. His application for the producing?

Q. Yes. A. I did.

Q. Can you state how long it was before you loaned him the money? A. I could not say accurately, but I should think it was probably two or three or four months.

Q. Had you sign any recommendation for him as one of his sponsors? A. I think I have.

Q. What did he say to you when he asked you for the loan of the money; give us the conversation, as nearly as you can recollect it? A. We had no conversation at all; he simply told me that he needed the money, and asked me if I would loan it to him.

Q. Did he tell you what he needed it for? A. No.

Q. Was there anything in the transaction that gave you to

understand what he needed it for? A. No, sir; nothing that he said at all.

Q. Were you not aware at the time that he asked you to loan him the money, that the loan was for the purpose of procuring an appointment upon the police force?

Mr. Nicoll.—I object to that; we have on record what he said to him.

Chairman O'Connor.—The question involves personal knowledge; he can answer that.

A. No, sir; I did not know anything about it at all.

Q. You did not know anything about it? A. No, sir.

Q. Will you give the name of the man to whom you loaned the money? A. Patrick Shay.

Q. Do you know if Patrick Shay was appointed, after you gave him the money? A. Yes, sir.

Q. How shortly after? A. That I could not say; the first that I knew of it afterward was, I think, three or four weeks, probably, when I came to town.

Q. Who informed you of the fact that he was appointed? A. Some of my family met him on the street.

Q. In uniform? A. Yes, sir.

Q. Did you ever see Patrick Shay since? A. Yes, sir.

Q. May I ask you if he has repaid you the money? A. He paid me about four months after that \$125 or \$150, and shortly after that I think he paid me another \$100; I am not certain but what he has paid it all.

Q. Do you know what precinct he is attached to? A. His station is on Forty-second street, near Fifth avenue.

Q. That is his beat? A. Where he is usually found.

Q. Forty-second street, near Fifth avenue? A. Yes, sir.

Q. On the west or the east side of Fifth avenue, do you know? A. I should judge it was on the east side; my children meet him; that is where I hear of his being.

Q. When he was paying you the sums of money that you have mentioned, did he say anything about how he secured his appointment? A. No.

Q. When he applied to you for the loan, did he say anything about the difficulty about getting on the police force? A. No; he said that he had been a long time at it, and he resigned his position with the Central railroad, and he had been out of employment and waiting.

Q. That is, he resigned it for the purpose and with the hope of getting on the police force? A. Yes, sir; and he had to undergo some education or examination or instruction, that had been going on.

Q. When he asked you for the loan of \$300, did he say anything in form or in substance, that the money would facilitate his appointment? A. No, sir.

Q. Nothing at all? A. No, sir; simply that he was in great need of it.

Cross-examination by Mr. Nicoll:

Q. I understood that the man had resigned from his position on the railroad? A. Yes, sir.

Q. How long had he been out of employment on the railroad? A. I should think three or four months.

Q. And during that time had he any other occupation to your knowledge? A. No, sir.

Q. None at all? A. No, sir.

Q. Was he a married man? A. No, sir.

Q. Had he any other means of a livelihood during the interval, between his retirement from the railroad, and his appointment on the force? A. No, sir; I would like to add, if the committee will allow, that the reason I loaned this man the money was, that we knew all about his family, his mother and others, that were dependent on him, and I knew practically that the man was in need, and in want probably; I don't know anything about his occupation.

Q. That is what I want to bring out; was there not some one dependent on him for support, after his retirement from the railroad, and before his appointment? A. I so understood.

Q. From whom did you understand that? A. His mother.

Q. And that was the reason that you loaned him the money? A. Because my wife and family were interested in his family; his mother; they were poor people.

Q. Did you write a strong indorsement to the police commissioners? A. I wrote to one of them.

Q. Which one? A. Mr. McClave.

Q. Did you set out his qualifications? A. I do not remember what I said about him; I simply urged very strongly that he should get the appointment, if it could be obtained for him.

Q. Had you known Mr. McClave for some time? A. Yes, sir, for five years, off and on.

Q. Have you made other recommendations in other cases to Mr. McClave? A. I do not think I ever made a recommendation before; that is, I never wrote a letter before; I may have signed someone's application, when it was brought in the office, but I think this was the only occasion that I ever wrote him a letter.

By Mr. Goff:

Q. Was it on the suggestion of Mr. Shay that you wrote to Commissioner McClave? A. Yes, sir.

Q. He told you that he was the proper commissioner to apply to? A. One moment; I think he asked me if I knew any of the commissioners, and I told him I knew Commissioner McClave, and he asked me if I would write him a letter.

Q. That was before the transaction of \$300? A. Yes, sir; some time before.

Mr. Goff.—That is all, Mr. Webb.

John W. McClave, resumed the stand, for further direct examination.

By Mr. Goff:

Q. Do you remember the appointment of the policeman, the name of whom has just been mentioned by Mr. Webb? A. No, sir; I do not recollect it.

Q. Do you remember receiving a letter from Mr. Webb? A. I do not particularly recollect that; I think I have received a letter once from Mr. Walter Webb; is it not—as well as one from Mr. Seward Webb, but I do not remember the man, and I do not remember particularly the letter; if I received it, I have it.

Q. In stating your word or your valuation, how did you separate the value of the realty, from the value of your personalty? A. I think I estimated the lumber interest at about \$300,000, did I not?

Q. The interest outside of the realty? A. Yes; the lumber interest.

Q. I mean outside of the real estate on which the lumber yard is situated, it? A. Yes, sir; that takes in the building and the machinery, and the stock; I made up my crude calculations from that; I think I carry upon that about \$220,000 or \$230,000 insurance.

Q. You made that calculation exclusive of your indebtedness? A. Yes, sir; it was about that figure that I estimated.

Q. Have you paid any personal tax in this city? A. No, sir; I have not this year; not since the fire; I paid every year right along up to the fire.

Q. You paid every year up to the fire? A. Yes, sir.

Q. How much did you pay? A. I do not recollect; they assessed me a certain amount; whatever it was I paid it.

Q. Did you ever take an affidavit in reference to your personal property before the tax commissioners? A. I think I did here lately, the first time, when I asked that I be relieved from it.

Q. When was that? A. Within two or three months.

Q. You asked that you be relieved from the personal tax? A. Yes, sir.

Q. Upon what ground? A. Upon the ground, owing to the fact of my fire, and the general stagnation of my business, and the mortgaged indebtedness, which it had become necessary to place upon my property, and my business indebtedness, that I did not think I was entitled under the law to pay any personal tax.

Q. You have said that you are as rich now, and no richer, than when you went into the police department? A. Yes, sir.

Q. If you paid a personal tax when you went into the police department, why is it you ask to be relieved now, when you are as rich now as you were then? A. I say that I have been paying a personal tax right along; let me explain to you one thing; the particular property that you have reference to—

Q. No; I object to that; how many years before the fire did you pay a personal tax? A. I think I paid every year for a number of years.

Q. Will you state the amount? A. I do not remember the amount.

Q. Can you state the amount of money that you paid? A. No, sir; but you will remember—

Q. Never mind that. A. I think I can explain it to you, if you will allow me.

Q. Can you state the year in which you made this affidavit for relief from the personal tax? A. I think I made an affidavit two or three months ago.

Q. Is that the only affidavit that you have made? A. Yes, sir; I do not recollect making any other affidavit; I do not remember any other.

Q. And that affidavit was in substance, that you were not possessed of personal property of any amount over and above your liabilities? A. Over and above the indebtedness that I had increased during the past year or two.

Q. So now, the fact is, that you have been losing money? A. Oh, no; not necessarily that; but you understand that there is \$300,000 that you are putting in here, that is facts as real estate.

Q. I am stating that you said that you valued your personalty at about \$300,000, over and above your realty. A. No, I said my business interests, which takes all my personal property down there.

Q. I ask you if you excluded the real estate upon which the lumber yard is placed, and you said yes? A. Oh, no, sir.

Q. Then you made a mistake? A. Yes, sir; I pay taxes of about \$4,000 on that.

Q. You were mistaken, then, in that statement? A. Yes, sir.

Q. What was the value of your personal property over and above the real estate that you owed? A. I can not recall particularly about my stock of lumber, and my machinery and my horses and my trucks and wagons; I would not undertake to state that.

Q. Let us see if you have that copy of the letter—have you the letter that you put in yesterday, from the commercial agency?

A. I did not put it in; you had that.

Q. I said the letter that was put in. A. I have not got it; I have not seen it.

Q. From your letter which the commercial agency put in— or the mercantile agency, over your own signature yesterday, you stated that your house and furniture, 156 West Seventy-second street, cost you more than \$100,000; you paid how much for the house? A. Originally I paid, I think, \$46,000; it had increased in value and sold for \$58,000.

Q. You state in your letter here that it cost you more; you say, I find that the house and furniture, 156 West Seventy-second street, cost me more than \$100,000 as the actual cost instead of \$85,000, so that would leave \$56,000 the value of your furniture?

A. Where is that statement; ten years ago?

Q. That is dated December 15, 1890; now, that would leave \$56,000 representing your furniture, on your own statement, the house costing so much. A. Yes, sir; decorations and furniture.

Q. Then you say your machinery should be \$45,000 instead of \$35,000; that is correct, is it not? A. I presume so; whatever that statement says, is correct.

Q. And your lumber shed should be \$4,000 instead of \$2,500? A. What does that show in the aggregate?

Q. And your merchandise account should be \$45,000 instead of \$40,000, and your bills receivable and cash and stock certificates on hand, all good, \$55,000, instead of \$45,000; now, you state that you have \$8,000 of liabilities, and that would leave, according to your own computation in 1890, \$197,000 of personal property? A. I do not know; whatever the statement shows.

Q. Well, that is correct, \$197,000 of personal property; now, can you state to this committee how much personal tax you paid in the year 1890? A. I do not remember; all I know is, that whatever they sent me a notice of for tax I paid; I do not remember anything about the amount.

Q. I am asking you about the amount. A. I do not remember about the amount at all.

Q. But you remember that you did pay, in 1890, a personal tax, do you not? A. I think I paid right along; they sent me a notice every year, for something or other, and I paid it.

Q. Who is Charlie Grant, as he has been called here on the witness stand? A. He is a clerk, secretary to myself, and been in the department about 16 years.

Q. For whom was he secretary before he was secretary for you? A. To Police Commissioner Mason, six years there.

Q. How many years has he been secretary to you and Commissioner Mason, inclusive? A. He was there, I think, all through Mr. Mason's term of six years, and when I went there, I found him there, and I have been there nine years.

Q. So that is about fifteen years? A. Yes; he has been there fifteen or sixteen years.

Q. What has been his salary? A. Seventeen hundred and fifty dollars.

Q. And he is there every day? A. Yes, sir.

Q. Attending to his business? A. Yes, sir.

Q. As your secretary? A. Yes, sir.

Q. And he has no other business so far as you know? A. No other business that I know of.

Q. He is attentive to his duties? A. Yes, sir.

Q. There every day and a faithful secretary to you? A. Yes, sir; every day.

Q. Did you ever hear his name mentioned in connection with appointments to the police force? A. No, sir.

Q. Or the preferments? A. No, sir; I never have heard it at all.

Q. You have never heard his name in that connection? A. No, sir.

Q. Is there a clerk in the police department named Stone? A. The force clerk, one who keeps the force book; otherwise called the appointment clerk? A. No; I think he has nothing to do with that—yes, I guess he does; I think he has the civil service papers.

Q. Did you ever make any appointment on his recommendation? A. No, sir.

Q. Or on his request? A. Never; I do not think I have spoken to him 20 times, since I have been in the department.

Q. You have presented some papers here, in connection with the appointment of Captain Price, and read the names of a number of firms and persons recommending his appointment? A. I have not presented the papers, but I read the names at your request.

Chairman O'Connor.—Gentlemen, Mr. Raines is here from

Rochester, or rather Canandaigua, is in the city this morning, and is the man to whom Mr. Granger referred as having paid \$300; he is now present, and desires to go on the stand this morning, and be sworn in that connection. Mr. Nicoll, do you propose to move to strike from the record the testimony of Mr. Granger, in case he is not produced?

Mr. Nicoll.—Perhaps at some stage of the proceedings I shall, after I get through with my examination of the witnesses.

Chairman O'Connor.—If you pursue that course, any evidence as to the materiality of his statement will not be admitted.

Mr. Nicoll.—I will wait until we see whether he is produced. The witness may be produced as Senator Lexow remarked.

Chairman O'Connor.—You can not have both the remedy and this evidence. You can not strike the testimony from the record, on account of his non-production, and then go on with evidence in reference to it.

Mr. Nicoll.—I make no motion at the present time.

Chairman O'Connor.—Then I do not see how Mr. Raines can be sworn, until that question is disposed of.

Mr. Nicoll.—I think the committee could hear his testimony; he has been assailed before this committee, and it seems to me only fair that he should be allowed to be heard.

Mr. Goff.—I have no objection.

Chairman O'Connor.—You have no objection, Mr. Goff, to having Mr. Raines sworn?

Mr. Goff.—No; the only point is that we will not go into taking testimony to show that Mr. Granger has testified to things that are not true in many particulars, if his testimony is to be stricken from the record; if it remains on the record, then the other side will be at liberty to prove as many instances of untruthfulness as they see fit, but if it is stricken from the record—

Mr. Nicoll.—I understand that. I do not make any motion now. Senator Lexow suggested that I should postpone my motion, until some later period, and I postponed it.

Chairman O'Connor.—Mr. Raines is here now, and would like to be sworn.

Mr. Goff.—I think he had better be sworn.

Chairman O'Connor.—Mr. Raines, you can be sworn, if you wish.

John Raines, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Chairman O'Connor.—Who will examine Mr. Raines; will you Mr. Goff?

Mr. Goff.—I have no questions to ask.

Chairman O'Connor.—Well, I will examine him.

By Chairman O'Connor:

Q. Where do you reside? A. Canandaigua, New York.

Q. What is your business? A. Insurance.

Q. At one time, were you a member of Congress in that district? A. Yes; I had that honor.

Q. For how many years? A. Four years.

Q. Were you also a State Senator? A. Yes, sir.

Q. You are a prominent Republican in your part of the State? A. Yes, sir.

Q. You take an active interest in politics, do you not? A. Yes, sir, somewhat.

By Senator Cantor:

Q. You have been a Member of Assembly also? A. Yes, sir.

By Chairman O'Connor:

Q. Do you know Gideon Granger? A. I do not.

Q. Do you know Police Commissioner McClave? A. I do not.

Chairman O'Connor.—Who is that man that he names?

Mr. Nicoll.—I was just looking at the testimony; I was going to give you the testimony, on that point. On page 1126, is the testimony;

“By Mr. Goff:

“Q. Do you remember the appointment of a man by the name of Edward McDonald, who was foreman of the Erie docks? A. I do not think he was appointed, he was not the last time I heard from him.

“Q. Is there anything about this application for appointment? A. In money matters, you mean?

“Q. Yes. A. Yes, sir; United States Senator Lapham's son, Charlie Lapham of Canandaigua, was the backer for him through John Raines, who was Congressman, who was at one time member of the Senate; I have several letters from them about him; and he also failed to pass the doctors, and finally did.”

Chairman O'Connor.—Do you know Edward McDonald—you can go on and make your statement about that matter.

Mr. Nicoll.—I have not read all of it, perhaps I had better read it all. The substance of it was, without taking up the time of the committee, that he received a draft from Canandaigua.

Mr. Goff.—Yes, but that has nothing to do with Mr. Raines.

Chairman O'Connor.—He stated that Mr. Raines paid the money, did he not?

Senator Raines.—No, the testimony was that Mr. Raines told Granger that he sent \$200 to Mr. McClave for the appointment.

Mr. Granger.—Oh, I don't think so.

Mr. Rains.—The testimony is right before me, and I will read it, on page 1199:

"Q. Was Mr. McClave here in New York at that time or in California? A. When Mr. McDonald first made his application he was in California; his son Steve McClave was the man who made the application for Mr. McDonald, but on that application did not pass.

"Q. Was there any money accompanying that application? A. No, sir.

"Q. And he did not pass? A. No, sir; he did not pass on that application.

"Did he make any other application? A. Yes, sir.

"Q. Was there any money accompanying the second application? A. There was a draft sent from Canandaigua for \$50.

"Q. Who sent the draft? A. C. D. Lapham.

"Q. This gentleman you have spoken of? A. Yes, sir.

"Q. What was that to be used for? A. The doctors, as I understood it.

"Q. What became of that draft—when you say doctors, as I mean the police surgeon? A. Yes, sir.

"Q. What became of that draft? A. I don't know what became of that draft.

"Q. When did you last see it? A. Well, I saw the draft once, and that was the day it came.

"Q. In the letter? A. In the letter.

"Q. What did you do with it? A. I sent it to, I think, a man by the name of Kelly.

"Q. Was the draft made payable to you? A. Yes, sir; the draft was made payable to me.

"Q. What did you send it to Kelly for? A. Kelly was understood to be the go-between in the Nineteenth Assembly district.

"Q. Between him and the man who made the appointments? A. Between him and the aldermen or commissioners, or whoever it is who makes the appointments.

"Q. What was the first transaction you ever had with Kelly? A. That was the first I ever had with Kelly.

"Q. How did you know that he was the go-between? A. Rumor.

"Q. You sent him a draft made payable to your order on the strength of the rumor that he was the go-between? A. No; I met him, and spoke to him.

"Q. About that business of appointment? A. Yes, sir."

Chairman O'Connor.—Did not Granger testify to a personal interview with Mr. Raines?

The Witness.— Yes, he did; in the Farnsworth matter.

Mr. Nicoll.— In another matter, was it ?

The Witness.— Yes; in another matter; the Farnsworth matter.

Chairman O'Connor.— He spoke of having a personal interview with Mr. Raines in the Morton House.

Mr. Nicoll.— Yes, I believe he did.

Mr. Goff.— I do not think that he ever said that the witness paid him any money.

Mr. Nicoll.— On page 1212, is the following:

"Q. I call your attention to Farnsworth, \$360; what does that item refer to? A. That means for an appointment.

"Q. Do you know anything about that appointment? A. Yes, sir.

"Q. State to the court what you know? A. That was done through Congressman Raines, of Canandaigua.

"Q. To whom was the money paid? A. Direct to Mr. McClave, I understood.

"Q. From whom did you understand that? A. Congressman Raines, himself."

"Chairman O'Connor.— That is the point.

"Mr. Nicoll.— I object. Is it possible that the committee will listen to a thing like that?"

Chairman O'Connor.— Yes, it is possible. Now, Mr. Raines, you may make your statement?

A. In regard to the McDonald case, I know the father of this McDonald, who lives near Canandaigua; Mr. Lapham at one time came to me and asked me to write a letter, recommending McDonald for appointment as a policeman; I did write a letter, and gave it to Mr. Lapham, recommending Mr. McDonald, and that is all I know about the McDonald case; in regard to the Farnsworth matter, I can not imagine who Mr. Farnsworth is; I do not think I know him, or ever heard of him, and as regards to what is said at the Morton House, I never met Mr. Granger, at the Morton House; I do not know Mr. Granger, though I know his father and mother; I never had any conversation with Mr. Granger in regard to the appointment of any policemen whatever; I never told him that I had given Mr. McClave any sum of money for any appointment, and I never did give Mr. McClave any sum of money, and I do not know Mr. McClave; I do not know that I ever spoke to him, although it is possible that I may have at some time been introduced to him, and that is all I know about this matter.

Q. Did not Mr. Granger live at Canandaigua? A. His family did, and when he was a boy he resided there—when he was a young man.

Q. Mr. Granger, then, is familiar with Canandaigua people ?

A. Yes, sir; he lived there when he was a boy.

Senator O'Connor.—Have you any questions to ask ?

By Mr. Goff:

Q. Did you see published in the morning newspapers what purported to be a copy of a letter from Mr. Lapham in connection with the appointment of Mr. McDonald ? A. I did; and also in a local newspaper.

Q. Do you know anything about those letters ? A. I know simply that Mr. Lapham stated to me that he had certain letters, which he handed to a reporter, and I presume those are the letters.

Q. In reference to the McDonald appointment ? A. Yes, sir; in reference to the McDonald appointment.

Q. You say that you do not know Mr. Granger ? A. I don't know him at all.

Q. You would not know him if you saw him ? A. I would not know him if I saw him.

Q. You have been, as you state, a Congressman, and largely interested in public affairs in this State ? A. Somewhat so.

Q. And necessarily you meet a great number of men ? A. Yes, sir.

Q. You meet them wherever you go ? A. Yes, sir.

Q. Were you ever at the Morton House on any of your visits to New York ? A. I think I have been at the Morton House, as near as I can remember, not over twice, since 1887 or 1888; on two occasions only that I can remember; I may have been there oftener, but I only remember those two occasions.

Q. Do you know a man by the name of Rankin ? A. At Canandaigua ?

Q. Yes ? A. Yes, sir.

Q. Did you ever speak to Mr. Rankin about some appointment on the police force ? A. No, sir.

Q. No conversation between you on that ? A. No, sir; not at all.

Q. Neither lately or remotely ? A. Not at any time.

Q. You would not, I presume, any more than any other public man, pretend to remember all the persons to whom you have been introduced ? A. No; certainly not; I only wish I could.

Q. It is said that Mr. Lincoln was the only man who had that faculty. You may have met Mr. Granger, without being able to identify him now ? A. No, I think I would have known Mr. Granger, on account of my knowing his father and mother so well, if I had ever had any acquaintance with him.

Q. Did you ever hear that Mr. Granger was married into the family of Police Commissioner McClave? A. I heard that he married a relative — a daughter, I think, of Mr. McClave.

Q. When did you hear that? A. I think it was about two years ago.

Q. You heard it about the time of your interest in McDonald, did you not? A. No; I do not think I did.

Q. Have you any positive recollection on that subject? A. I think I heard that in reference to Mr. Granger before the McDonald matter ever came up.

Q. And of course, you, as all public men, must necessarily do, recommend people to office? A. I have done so sometimes.

Q. And you have recommended men for appointment on the police force of New York? A. I presume I have written; I may have written three or four letters for different parties.

Q. Residents mostly of Canandaigua, or in that vicinity? A. Yes; residents in that vicinity.

Q. You say that you do not remember Farnsworth? A. I do not remember him or anything about him, or anything about the name, there was a family of Farnsworth living near Canandaigua, but I do not remember about this man at all.

Q. It frequently happens, that you write letters of recommendation for persons, on the solicitation of friends, even though you do not know the persons? A. I sometimes do.

Q. And you may have interested yourself in Farnsworth's appointment or application, without knowing the man individually? A. I have no recollection of it in any way or shape whatever.

Q. Do you recollect interesting yourself in the appointment of a man by name of Tate, from Canandaigua? A. Yes, sir; I got him appointed.

Q. Was that about the time of the McDonald episode? A. No; that was away back in 1881 or 1882.

Q. Who appointed him for you? A. I think my old friend, Police Commissioner French; that is the only man that I have ever had appointed directly or indirectly, so far as I know.

Q. Of course your letters always carry weight? A. They will show, if there are any on file.

By Mr. Nicoll:

Q. I understood you to say, that you never wrote Mr. McClave any letters? A. I have never written any personal letter to Mr. McClave; if I have written, it has been to the police commissioners; I do not know Mr. McClave.

Mr. Goff.—It has not been claimed that you ever wrote to Mr. McClave.

Chairman O'Connor.—That is all.

John McClave resumed the stand, for further direct examination.

By Mr. Goff:

Q. I was speaking to you about the recommendations of Captain Price for appointment, and you said that you made an abstract or a copy of the papers; when did you make that abstract or copy? A. At the time of the appointment; I have the letters all in an envelope, and I will be very much pleased to give them to you.

Q. Did you make an abstract in relation to the appointment of other captains? A. All of them; and I will be pleased to give them to you.

Q. You stated that it was your rule to require applicants for promotion to receive indorsements or recommendations from citizens? A. The rules?

Q. You said that it was your rule; I do not speak about the rules of the department. A. The way I think I explained that to you was, that the applicants came in person as a rule, to the commissioner, with a letter of introduction from somebody, who was supposed to have known him, asking for the privilege of making an application for appointment, and I think I explained to you the whole case of procedure after that; whatever that statement is, I stand by it.

Q. Was there any competitor for the place that Captain Price was promoted to? A. Yes; I think the list of eligible men was sent to us by the civil service board.

Q. Do not the police commissioners first determine by resolution the number of sergeants that may compete for a captaincy? A. No, sir; any sergeant who has any sort of a record at all is at liberty to make an application to the board, and I have never known an instance where it was rejected.

Q. He can not make the application without first being included in the list, can he? A. The sergeants who wish to make an application to enter into competitive examination for the position of captain, sends a written communication to the board of police commissioners, asking for that permission; that is forwarded to the chief clerk of the department, and when that comes before the board of commissioners, there is attached to it the record of the applicant; the commissioners examine that record and if there is nothing very bad on it, they send it down

to the superintendent, who, under the civil service law, is known as the immediate superior officer, and the civil service laws say that the immediate superior officer shall certify back to the board of police commissioners whether or not his conduct and efficiency is in all respects satisfactory; when that report comes back, his papers are then forwarded to the civil service board; now, I fancy whenever there was a vacancy in the position of captain, 60 or 70 or 80 sergeants went down to make an examination, and there were sent back to us three for each vacancy.

Q. The point is, as you have stated, that when a sergeant wishes to apply for permission to compete for a captaincy, the board grants that permission in the first instance? A. The board grants it, and never rejects it, unless the record would be so bad —

Q. I simply state the fact; that the sergeants can not of themselves, and without the knowledge or permission of the board, enter into competition, for the appointment to a captaincy? A. That is right; the civil service laws would not allow it.

Q. The civil service laws would not allow it? A. Yes, sir.

Q. Do you mean to say that there is anything in the civil service that prohibits a sergeant from entering into the competition for promotion? A. Yes, sir; they can not do it; the civil service law provides that the board of police commissioners must certify truly, and it also provides that the immediate superior officer must certify to it.

Q. That rule applies to all promotions, does it? A. Yes, sir; the roundsmen are not under the regular civil service rule.

Q. The roundsmen would apply to be made sergeants? A. He would have to go through the same process that I have stated.

Q. And the same rule applies to captains, who seek the appointment of inspector? A. Yes, sir.

Q. Does the same rule apply to inspectors, who seek the appointment of superintendent? A. Yes, sir.

By Chairman O'Connor:

Q. Who are the civil service members of the police board, members of the force? A. Mr. Lee Phillips, I think is one; he is the secretary, and Mr. Bonnor, the chief of the fire department, is one, and the superintendent of the department was one, up to the time that he became the present superintendent; the appointment is made by the mayor, and when he was chosen inspector, he was made one of the civil service examiners, and when he became superintendent, he resigned his position, and Inspector McLaughlin became the examiner in his place, and there is one other, I do not remember his name.

Q. The three that you have named —? A. I think there are four civil service examiners.

Q. Did you ever look over the list of appointments made to the fire department, and to the police department? A. I never looked over any list of appointments made by the fire department.

Q. Do you not know, as matter of fact, that the appointments are made in the police department that the chief examiner, being the police official you have mentioned, and the next Mr. Bonner, the chief of the fire department, and then Mr. Phillips? A. And then there is Mr. Bradley, is there not?

Q. Mr. Beardsley you mean? A. Yes, sir.

Q. He was a civil service commissioner? A. Someone was put in his place.

Q. But for the appointments to the police force, those appointments are placed with the certification of the three individuals that you have mentioned, the chief inspector, and the chief of the fire department, and the secretary of the civil service board? A. I had supposed the other commissioner examined their ratings, and that they were then agreed upon.

Q. They may examine the list, but the appointment from the list is given to the three officials mentioned? A. Well, I don't know about that.

Q. Do you not know the fact that in the appointment of the fire department, Chief Bonner is the chief examiner? A. Yes, sir.

Q. Do you not know the fact that for the appointment to the police force, the chief inspector of the police force and the chief of the fire department, invariably agree and during the past seven years, that has been so in all appointments to the police force? A. I have never in my life examined a paper; I do not even know their method of agreement.

Q. Then I will not ask you any further question upon that, as long as you have not examined them; can you state who recommended the appointment of Captain Strauss? A. Will you permit me to refer to my memorandum.

Q. Certainly.

Mr. Nicoll.—Have you not been all over that, Mr. Goff?

Mr. Goff.—No, we have not.

A. Cornelius Van Cott, Jacob M. Patterson, Jesse Seligman, John W. Jacobus, Myer S. Stearns, and Mayor Parsons, of Rochester.

Q. Those are the persons who recommended the appointment of Captain Strauss? A. I think they are.

Q. That is, what you have there, is a copy, you recognize there that the first three or four names, in fact, all, with the exception

of Mr. Parsons, of Rochester, were well known gentlemen, active in Republican politics in this city? A. Yes; I know that.

Q. Is it a fact that politics entered into your appointment of Captain Strauss, on the strength of the gentlemen, whose names you have mentioned? A. Captain Strauss being upon the eligible list, the recommendation of those gentlemen, being Republicans, I took it for granted that they knew him to be a Republican.

Q. And it was upon the strength of their recommendation, that you appointed him? A. Yes, sir.

Q. Had you any knowledge yourself of Captain Strauss, and his efficiency as a police officer? A. He had an excellent record.

Q. Did you know him personally? A. No; except through his record.

Q. You never took pains to test his intelligence, for instance? A. We judge of a man's record in the department, by the record of the department, by the number of years of service, and the condition of his record.

Q. Do you not know that some of your brother commissioners never made an appointment, except after personal interviews with the applicant or those on the list? A. If an applicant is going to be appointed, I would send to him, to come to me, that I might see him personally.

Q. Did you send for Mr. Strauss? A. There is no doubt about it.

Q. You are clear about that? A. Yes, sir.

Q. And you satisfied yourself as to his fitness in physical, as well as in intellectual capacities? A. Yes, sir; he is a fine looking man, and a man with a considerable intellectual capacity, and I think fully competent for his position, and he passed his examination all right.

Q. And that appointment was approved by you under the statement that you have testified to? A. Yes, sir; upon the general system of the recommendation; a member of the commission brings an appointment before the board—

Q. Each member of the commission having his own particular appointees to bring before the board, the other three members of the board vote for him invariably, do they not? A. Not if they do not choose too.

Q. Have they not done so invariably? A. In more than one instance, where they have not agreed, they have been thrown out; where the commissioner makes a suggestion that he thinks he is not a proper man, the commissioner withdraws him.

Q. Does it require the unanimous vote of the board for the appointment? A. No, sir; but there is scarcely an instance different from that.

Q. You have just stated that there have been rejections? A. Yes; supposing a commissioner states—a man comes in—I will give you an instance of it, fresh in my memory, which occurred within two weeks—one of the commissioners brought a man before the board—

Q. Which of the commissioners? A. Commissioner McLean and upon his being presented to the board and any of the commissioners putting such questions as they desired; that is the customary way, to the applicants, each of the commissioners, and upon Mr. McLean's own suggestion, he asked the man to turn around and as he turned around, he found he was a little bit round shouldered, and he said that he withdrew the paper.

Q. Then it was upon the withdrawal of the commissioner, who recommended this man? A. Yes, sir; but I have withdrawn and so have other commissioners withdrawn them.

Q. So, therefore, it was not a rejection on the part of the police board; it was simply a withdrawal? A. Well, that is the way it is done.

Q. Will you name any one man that you have ever recommended for appointment as captain that was not appointed as captain? A. I do not remember, since I have been in the department, of any man who was recommended for appointment as captain, by any commissioner, but what has been appointed.

Q. And the fact of the matter is, that each commissioner, being interested in his own appointment, voted for his brother commissioner's appointments, just the same? A. You may put it that way if you please, but I do not think there is any such understanding or agreement.

Q. It is the fact; I do not care about your understanding; is not that so? A. The men are brought before us; they have passed their examination, and there are appointments that have to be made; and the man seemed to be fully competent in every particular; they are brought before the board and every commissioner has the opportunity of asking such questions as he pleases, and then the roll is called upon the appointment.

Q. The board divides up the appointments, does it not? A. That has been the custom; that was the custom when I went in.

Q. If there are four vacant captaincies, each commissioner gets the appointment of one captain? A. Yes, sir; that seems to be about fair.

Q. And when the appointment comes up, the commissioners vote for all four? A. Yes, sir; if they are all satisfactory.

Q. But you say you don't know of any one case where a captain has been proven to be unsatisfactory? A. I have never

known any since, because those who come up on the civil service list are supposed to be the cream of the men in the department.

Q. Have you got with you the recommendations of Captain Schmittberger? A. No, sir; I did not appoint him.

Q. Have you got with you the recommendation of Captain Martens? A. Yes, sir; I have got the names; Colonel S. D. R. Cruger, Chauncey Britton, Robert L. Cutting, James L. Wells, Thomas B. Dutcher, Colonel Hain, Jacob Hess and others.

Q. The political element largely predominates there, does it not? A. I think all of those gentlemen are Republicans, so far as I know.

Q. And that influenced you in making the appointment, did it not? A. Yes, sir; I think I stated the other day, all other things being equal, I would make the appointments on those recommendations.

Q. Have you got the recommendations of the appointment of Captain Stevenson? A. No; I guess that is a good many years back.

Q. That was in 1887? A. I think I have him, but I have not got it with me.

Q. Yes, you made him. A. I knew him a long time before I became a police commissioner; he was a sergeant in the precinct where I lived; I have not got that with me.

Q. Have you got the recommendations of Captain Westervelt? A. Did I make him?

Q. Yes. A. No, sir; I have not got that; how long ago was that; that must have been seven or eight years ago, was it not; I hardly think I made him.

Mr. Nicoll.—Have you not got a list of all the police captains whom you recommended for promotion? A. No; not here.

By Mr. Goff:

Q. You made him June 14, 1887. A. Well, I knew Westervelt very well before he was captain; I think likely I have the same line of papers for his indorsement, that I have not got them with me.

Q. Did you ever hear any rumors concerning the appointment of either of the captains that you have testified about? A. Never in my life.

Q. Is this the first time that you have heard any statement in connection with the appointment of Captain Stevenson, Captain Price, Captain Westervelt, Captain Martens or Captain Strauss, that their appointments were obtained by the use of money? A. I never heard it.

Q. This is the first time? A. This is the first time.

Q. Either by the use of money to you directly or indirectly?
A. Nobody ever made any such statement to me.

Q. And this is the first time that you have ever heard of it?
A. Yes, sir; the first time.

Q. You have been living in New York ever since you made those appointments? **A.** Yes, sir; I have lived here all my life.

Q. Will you give me the name of your oldest son, who lives in Newark? **A.** He lives at Edgewater, New Jersey, S. Wood McClave.

Q. Does "S" stand for "Stephen?" **A.** Yes.

Q. And he is popularly known or called "Steve" McClave — I merely want to identify him? **A.** No — he is pretty generally called Stephen.

Q. What is the name of your second son? **A.** John, Jr., and the next is Albert.

Q. He is young, is he not? **A.** He is 22 or 23 years old; my eldest son is about 36.

Q. Your eldest son is engaged in business with you, is he not?
A. Yes, sir.

Q. Is your second son also engaged in the lumber business?
A. Yes, sir.

Q. Has either of your sons ever had anything to do with the police force? **A.** Nothing at all.

Q. Can you state if your secretary, Charlie Grant, ever made deposits for you in any of the accounts which you held, in your private capacity? **A.** Never in his life.

Q. Or wrote out deposit slips? **A.** Never in his life.

Q. You are clear about that, are you? **A.** Yes, I am positive.

Q. Are you also clear that you never wrote out any deposit slips in your business account at police headquarters? **A.** I do not think I ever wrote one out in my life.

Q. Did you ever send deposits to your business account from police headquarters? **A.** Never in my life.

Q. You are clear about that? **A.** Yes, sir.

Q. They always went from your business office? **A.** Yes, sir; directly from my business office.

Q. You made deposits in your personal account from police headquarters, did you not? **A.** No, sir.

Q. No, sir. **A.** No, sir; never in my life.

Q. Did you ever send a deposit of any kind to the bank from police headquarters? **A.** Never in my life.

Q. I mean except police funds? **A.** Of course; never in my life any others.

Q. Were the pass-books of your personal and business account always in your business office? **A.** Always.

Q. Have you refreshed your memory in any way concerning the payments by Barnum & Bailey's circus, of the bills, since you were on the stand and testified to that fact before? A. I have not thought anything further about it; I think I have stated as well as it is possible for me to remember all those matters about my finances; I find that my head is getting pretty well mixed up after being here three days on the stand.

Q. From whom did you receive the orders for the timber or lumber that you supplied the circus people? A. They came from the circus people themselves.

Q. Had they an office in New York? A. Whenever they came here for the purpose of fitting up their circus business, then they sent over to our yard for their lumber.

Q. Was your dealings with them conducted at the office of the Madison Square Garden? A. Yes, sir.

Q. You know of no other office in this city, except the office there? A. No, sir; I knew of none other.

Q. I hand you five check books; will you please examine those five check books covering the years 1889 and 1890 — all the check books covering the year 1890 particularly; will you state, if you can, without examining those check books, and, if not, please examine the check books and state if the check books now in court and in your hands, contain the stubs of all the checks which were drawn by you as the treasurer of the police fund, on the Bank of North America, during the year 1890? A. So far as my knowledge goes, I say yes.

Q. Can you state that as a fact? A. These checks are drawn by the treasurer's bookkeeper; the bodies are drawn and I take it for granted that the entries, every one of them are entered.

Q. Was there, during the period mentioned any other account in the Bank of North America, in which the police department of this city was in any way interested as a department than the account on which the checks were drawn, that you held the books in your hand? A. Have you got the pass-books; they will show the fact; the bank deposit books; they would be marked pension fund.

Q. Yes; but was there any other account? A. There was only the one account.

Q. Had you any account in your individual capacity, either private or personal or business account in the Bank of North America, during that time? A. No, sir; I never did a dollar's worth of business with them in my life.

Q. With the permission of the committee, will you let your bookkeeper take the stand a moment? A. Yes, sir; this is the treasurer's bookkeeper's son who is here — is the elder Mr. Gott in the room — is your father here, Charlie?

Mr. Charles Gott.— No.

Mr. McClave.— Well, let him come forward.

Charles L. Gott, called on behalf of the State, being duly sworn, testifies as follows:

By Mr. Goff:

Q. Are you connected with the treasurer's department of the police board of this city? A. I am.

Q. In what capacity? A. As assistant bookkeeper.

Q. You are familiar with the books in that department? A. I am.

Q. And with the check books? A. I am.

Q. Look at the books before you there, containing the stubs of checks drawn upon the Bank of North America and state to what time they go to? A. I do not understand that question.

Q. Well, state what they are? A. They are the stubs of the police pension fund.

Q. The stubs of checks drawn upon these police pension funds? A. Yes, sir.

Q. All checks drawn upon the police pension fund are shown by the stubs contained in these books? A. They are.

Q. There was no other check-book, was there? A. There are other check-books, but not on this bank.

Q. I mean for that year and on that bank? A. No, sir; not for that year.

Q. Turn to the date of January 23, 1890, and see if there were any checks drawn upon that date or thereabouts? A. There was a check drawn on January 21, 1890.

Q. How much is that check? A. Forty-one dollars and fifty cents, and on January 21 also, \$9.86.

Q. Were there any other checks drawn on January 21, 1890, but those two checks? A. That is all.

Q. Look at January 22d? A. There is no January 22d here.

Q. Were there any checks drawn on January 22d? A. According to this book, no.

Q. Look on January 23d? A. No such date here.

Q. Were there any checks drawn on January 23d? A. Not in this book, no sir.

Q. Well, in any other book? A. That I refuse to say, unless the record of the department is brought here.

Q. Hold on a moment— just wait; you do not mean that. A. Yes; that is all that I can be guided by.

Q. You do not mean that you refuse to answer, you mean that you can not tell? A. I can not tell right here.

Q. You do not mean that you would refuse to answer any question put to you before this committee? A. I am not depending on my memory; I am depending on the record here.

Q. You have stated that these check-books are the only check-books containing stubs of checks drawn upon that pension fund in the Bank of North America during that period of time? A. That is so.

Q. Now, if it does not appear from the stub in that check-book that there were any checks drawn upon that pension fund on January 23, 1890, can it appear in any other check-book? A. No, sir.

Q. So, if there were checks drawn on January 23, 1890, they would appear in that book? A. Yes, sir.

Q. Look again and see if there are any checks drawn on January 23, 1890? A. No, sir; there are not.

Q. Turn to January 24, 1890? A. There is no such date here.

Q. No checks drawn on that date; we would like to find that out? A. Not on this book.

Q. Well, in any other book? A. Now you are speaking of the pension fund, are you?

Q. Yes. A. This is the only book then.

Q. Then your answer and understanding and I mean that all my questions have relation to this book and in reference to the pension fund. A. You say any other books, and we have other books.

Q. When you say it does not appear in that book, it naturally begets a question from me, does it appear in any other book. You say now there is no other book, connected with the pension fund covering that period of time? A. No, sir.

Q. You say there were no checks drawn on January 24th on that fund? A. No, sir.

Q. Look at January 25th and see if there were any checks drawn on that date? A. There was no check drawn on January 25th.

Q. Look for the balance of the month of January, up to and including January 21st, and see if there were any checks drawn? A. I have gone right up to April 1st from January to April 1st.

Q. Are the checks that you have given me, of \$41.50 and \$9.86, the only checks there from January 21st to April 1st? A. On that fund; yes, sir.

Q. Is it a fact that they are the only checks drawn upon the fund from December 31, 1889, to January 21, 1890? A. Yes, sir.

By Chairman O'Connor:

Q. That is, as disclosed by these books? A. Yes, sir.

By Mr. Goff:

Q. Look after April 1, 1890, and tell the committee what checks were drawn, if any, on the 5th of April, 1890? A. There was a check drawn there April 10, 1890.

Q. What is the amount of that check? A. Twenty-five dollars.

Q. Is there any other check drawn on April 10, 1890? A. There is a check drawn on April 15th, \$64.92.

Q. Are there any other checks in the month of April, 1890? A. There was a check April 11, 1890.

Q. For how much? A. Two hundred and sixty-two dollars and fifty cents.

Q. Let me see that; are there any other checks drawn during the month of April, 1890, but those that have described? A. There does not appear to be any other checks drawn in April, except those checks, according to this book.

Q. Look at the month of September, 1890, and tell us what checks were drawn during the month of December and the amounts.

Chairman O'Connor.—Go right through the months of September and give the dates and amounts—commence with the first day of September and go right through the month?

The Witness.—There does not appear to be any checks drawn in September, 1890.

Q. Have you in the department the return vouchers for the checks that you have described? A. I think all the checks are back except four from the Bank of North America.

Q. What are those four? A. I have them on the pass-book.

Chairman O'Connor.—What is it that you want? Just give the dates and amounts of the four checks that have not been returned?

The Witness.—We have the check numbers; they are as follows: No. 21,322, \$5.35; 21,352, \$2.89; 35,064, \$2.44; 33,168, \$69.94. That is all the checks that are standing in the Bank or North America that are not returned to headquarters; so far as the police department is concerned the account is closed of the pension fund.

By Chairman O'Connor:

Q. Does that check-book relate exclusively to the police fund? Yes, sir; to the police pension fund, exclusively.

By Mr. Goff:

Q. Turn to the month of November—I omitted to ask you for that month. A. There appears to be no checks for the month of November.

Q. Have you got the present custody of these books, as an employe of the department? A. My father and myself.

Q. They are not in actual use now, are they? A. No, sir.

Q. And the account on the Bank of North America has been closed? A. It has.

Q. Will you leave these books in charge of the sergeant-at-arms for the committee? A. If the committee will say so, I will.

Chairman O'Connor.— We will take charge of them.

Mr. Goff.— Let the five stub check-books and this pass-book be marked by the stenographer.

The five stub check-books are marked respectively A, B, C, D and E, and the pass-book F, May 24, 1894.

Q. For the information of the committee, I deem it of interest that you would state to them the source of income to the pension fund. **A.** There is \$300,000 from the excise fund; there are the receipts from the license of steam boilers; there are the receipts from the masked ball permits; the receipts from loss of time of officers on the force by sickness and absence; the receipts on percentages of rewards.

Q. Explain that? **A.** If a man is given a reward, if it is granted to him by the board for any meritorious conduct, 20 per cent. of that is paid into the pension fund.

Q. That is, if a citizen gives a present to an officer in reward for some service, 20 per cent. of that goes into the pension fund?

A. Yes, sir.

Q. Is there any other source—do the fines go into it? **A.** Yes, sir; the fines and loss of time by reason of sickness or absence and pistol permits; that is all that I think of.

Q. Do you know if the license permits go into that fund? **A.** License of what?

Q. License of trucks and carts? **A.** No, sir.

Q. Is there any other source of income, that you call to mind? **A.** No; not now; I do not think of anything else; the annual report of the police pension fund is printed in the City Record, showing the receipts and disbursements; showing the beneficiaries and the receipts and disbursements; giving the details.

Q. Except for the purpose of the police pension fund or the payment of these pension funds, or the payments described by Commissioner McClave to policemen who may have been restored by the courts, are there any other drafts made upon the pension fund? **A.** Only in regard to litigation against the men; if a man has resigned, and the money put into the fund, and he is restored, it is taken out.

Q. I have stated that, but outside of those two sources payment to pensioners of their pension and the payment to policemen who may have been restored by the courts of their back salary which may have been transferred into the pension fund and retransferred again, are there any other drafts made upon the pension fund than for those two purposes? **A.** Only for the supplies of the pension fund, for check books and affidavits.

Q. We have got all the objects or purposes for which checks may be drawn upon the pension fund, have we? **A.** That is all.

Q. Of course, you make a report of your disbursements from that fund, an annual report? **A.** Yes, sir; in the City Record.

Q. That report is published in the City Record and also forms part of the report of the police department each year? A. Yes, sir.

Q. And every draft that you make upon the pension fund for any object whatever for either of the two purposes stated by you is stated and set forth in this report of the police department in each year? A. Yes, sir.

Q. Does your system of bookkeeping enable you to balance the disbursements as reported in the City Record and the departmental with your actual drafts from your check-books? A. There was one year that the City Record made a mistake in the publication of that record.

Q. What year was that? A. I do not remember the year; we do not balance our books by the City Record.

Q. Do you balance your books by your own departmental record? A. Our own report, which we send to the board of aldermen, is balanced according to our books.

Q. Then the City Record is supposed to print that from your report? A. They are supposed to.

Q. So that in each departmental report will appear a correct statement of all drafts made upon the police pension fund and the purpose of those drafts? A. Whether that departmental report was taken from our report I do not know.

Q. Who compiles that portion of the departmental report? A. Mr. Delamater does, I think; the first deputy clerk.

Q. From what source does he obtain his knowledge in order to tabulate this report? A. That I am unable to say.

Q. You make out a report as the treasurer's bookkeeper? A. As the assistant treasurer's bookkeeper.

Q. I mean either you or your father? A. Yes, sir; I make out a report.

Q. To whom do you make the report? A. It first goes to the board of police, and then it is transmitted to the board of aldermen.

Q. Then the report that is printed in the departmental reports each year is the report which you make to the board of police concerning disbursements from the pension fund? A. I would not swear to that, because I have never compared the two reports.

Q. Have they ever been compared? A. I am unable to say.

Q. Who can give information on that subject? A. I suppose the man who compiles the reports.

Q. Who does that? A. Mr. Delamater, I believe.

Q. He is the deputy clerk? A. First deputy clerk.

Q. Assuming that Mr. Delamater prepares his report from the written report which the police treasurer's bookkeeper makes to

the department, it follows that he makes his report from the report made by the treasurer's bookkeeper? A. I fail to catch that question?

Q. Possibly it is a little confused; I will try and make it plain; you make a report to the police department of disbursements on the pension fund, do you not? A. Yes, sir.

Q. Do you know of any other source of information except that report which you make to the department, upon which Mr. Delamater can prepare his departmental report? A. If he takes our figures, his figures ought to be correct.

Q. You do not know of any other source? A. He may wait until the record comes back from the City Record, and take it as it is condensed and he may make his report from that.

Q. Have you or your father ever compared the departmental report, published in the annual report of the police department with your own written report? A. I have never compared it.

Q. To your knowledge has your father ever compared it? A. What he does I am unable to say.

Q. You are in the office with him? A. Yes, sir.

Q. Every day? A. I could not say that he did or did not; I am unable to state that.

Q. If an error appeared in the departmental report, which would show a less disbursement from the police pension fund than your report would show, how could that be detected? A. By examining the departmental report, with our report.

Q. Has the departmental report ever been examined in conjunction with your report? A. I do not know.

Q. So far as your knowledge goes from the treasurer's office such errors may go undetected if they exist? A. They might; as long as our books balance that is all we want.

Q. I simply want the committee to understand the system that you carry on; of course, we will explain that later? A. Very well.

Chairman O'Connor.—Do you want to ask him any more questions?

Mr. Goff.—No.

Chairman O'Connor.—I want to ask him a question or two.

By Chairman O'Connor:

Q. The method of bookkeeping that you keep in the police department, enables you at any time to tell the amount of balance that you have in the bank where the pension fund is deposited? A. Yes, sir.

Q. And when your bank book is written up and the vouchers returned, by examining the balance there and comparing it with the vouchers drawn, could you detect if an unauthorized check

had been drawn on that fund? A. We could; we keep every check and every stub.

Cross-examination by Mr. Nicoll:

Q. Have any unauthorized checks, as suggested by Chairman O'Connor, ever been drawn on that fund? A. No, sir.

Q. You are the assistant bookkeeper? A. Yes, sir.

Q. And your father is the bookkeeper of this particular pension fund? A. Yes, sir.

Q. How long has he been bookkeeper of that fund? A. Since 1857, I think.

Q. Is he an old man? A. Quite old.

Q. Has he the custody of all these books, some of which you have produced here? A. Yes, sir.

Q. Does he, with his own hand or do you, under his direction, fill out these different checks and make these balances? A. He fills out the pension-fund checks.

Q. What ones do you fill out? A. I fill out the police department checks; I keep the police department account but I assist him — we both assist in the general work.

Q. The books that you have brought here are the police pension-fund check-books? A. Yes, sir.

Q. All of these are kept by your father? A. Yes, sir.

Q. And have been kept by him for years? A. Yes, sir.

Q. And he draws all the checks? A. Yes, sir; every check that is drawn.

Q. And sends them to the treasurer of the board for his signature before delivery to the payee? A. Yes, sir.

Q. Does the payee collect his money? A. He comes there and presents himself, and we take his receipt and those that are out of town have to appear before an authorized officer who can take an affidavit, and the affidavit is returned to us, and we transmit the check to him, after we have the receipt on file by mail.

Q. Do you file all these receipts? A. Every one.

Q. Have you got them all? A. All up to headquarters.

Q. Did Commissioner McClave, as treasurer of the board, ever draw a check? A. Never; he never drew a check on the pension fund or any other fund; he has not the records in his keeping at all.

Q. And your father signed or countersigned every check drawn on the pension fund? A. Every check drawn on all the accounts.

Q. He put his signature upon them all? A. Upon all the checks.

Q. And pays them out? A. And pays them out.

Q. After he gets the signature of the treasurer and gets a receipt? A. Yes, sir.

John W. McClave resumed the stand for further direct examination:

By Mr. Goff:

Q. I sent a request to you last night by letter, asking you to kindly present your stub check-book here this morning, since the fire; have you got them? A. Yes, sir.

Q. And your bank pass-book? A. Yes, sir.

Q. Will you kindly let me look at them? A. Yes, sir. (Produces four pass-books and a large check-book.)

Q. Does the check-book which you have brought to court answer the purpose of both your personal and your business account? A. Yes, sir; all that I have in existence.

Q. And the only way that you can distinguish one from the other, is by marking upon each check what account you wish it to be drawn upon? A. No, sir; there is a regular business check-book, and the other one is a small little check-book.

Q. A pocket check-book? A. Yes, sir.

Q. You have had that here? A. Yes, sir.

Q. Have you got it here? A. Yes, sir; I think you will find it there — there it is.

Q. This small red check-book is the check-book upon which you draw your personal checks? A. Yes, sir.

Q. You have no objections to our examining these checks, have you? A. No, sir.

Mr. Nicoll.—Do you want to claim possession of Mr. McClave's business check and bank books?

Mr. Goff.—While you are examining him and if we want them longer, we will notify Mr. McClave.

Cross-examination by Mr. Nicoll:

Q. Before we commence with your examination, I would like—

Chairman O'Connor.—Is the direct examination closed, Mr. Goff?

Mr. Goff.—Yes.

Mr. Nicoll.—It is closed, then, is it?

Mr. Goff.—Yes; with this reservation; that there might arise later on some matters in the investigation of which the committee might feel called upon to hear from Mr. McClave again, some specific matters.

Q. Very well; before we go into the main questions presented by Mr. Goff's examination, I want to take up with you, as the treasurer of the police board, the history of the pension fund and the means by which it is recruited; will you tell the committee what are the sources of income of the pension fund? A. The pension fund receives \$300,000 a year from what is known as the excise

fund; it receives 2 per cent. deductions from the uniformed members of the force, as provided by law, which amounts to in the neighborhood of \$90,000 or \$100,000 a year; it receives under the law of unexpended balances remaining in the hands of the treasurer at the close of the year, appropriated for the purpose of paying members of the force, which varies from \$50,000 to \$100,000 a year, as well as all unclaimed and stolen property; masquerade balls; boiler licenses, pistol permits and donations such as may come; I think their receipts for the past year is about \$600,000.

Q. Have you mentioned fines against the members? A. No; I neglected that; fines and sick time and loss of time.

Q. Then there is an item of stolen and unclaimed property? A. I stated that.

Q. And fees for permits for pistols and holding masquerade balls — all that goes in? A. Yes, sir; I mentioned those.

Q. Are your accounts, as treasurer of the police fund, examined by any other branch of the city department? A. Yes, sir; the commissioners of accounts examine repeatedly the books of the treasurer in reference to all of the accounts connected with the department; they have been examined and passed upon up to the first day of April last.

Q. Up to the first day of April, 1894? A. Yes, sir.

Q. How often do they examine your accounts as treasurer? A. They have no stated or regular time; they sometimes come in — I think since I have been in the department they have probably been there seven or eight times and examined them.

Q. Do they take possession of all your books and vouchers? A. They take possession of all books and vouchers and everything pertaining to the financial transactions of the department.

Q. And do they make a report as the result of that? A. They make a report to the commissioner of accounts and he to the mayor.

Q. As to the condition of the police account? A. Yes, sir.

Q. Something was said in the course of Mr. Goff's examination about the fact that in your department, the police department, the five million or more of money, was not expended as it is in the other departments of the city government, through the comptroller, but it was paid out by you directly. Will you tell me why that system was adopted and what is the reason of it and why it forms an exception to the other departments of the city government? A. There being 4,000 members of the force ostensibly, and their being distributed throughout different parts of the city and the various station-houses and their tours of duty being prescribed by the rules of the department, it was established many years ago, that the most perfect system that could be

adopted for the payment would be to provide for the captains to get the pay-roll and the money, the first day of each month and pay the men when they returned from patrol duty, so as not to take them off of duty; the captains each give a bond back to the police department for \$10,000, holding them responsible for the check which they receive from the treasurer, they taking the pay-roll and they paying the men, they getting the bills and paying the men and bringing back the pay-rolls to the treasurer on the following day — two pay-rolls are made — one is kept in the police department as a matter of record and the other is forwarded to the comptroller's office.

Q. Then the real reason is that the city could not properly have all its police force applying at the city treasurer's office for their checks on a given day without danger to life and property?

A. It was tried some years ago and placed in the hands of the chamberlain here; they had a law passed in the Legislature and at the expiration of the year, they went right back again.

Q. They went back again to the old system that was in use before, did they? A. Yes, sir.

Q. How long has this system which you have described been in vogue in this city? A. I think since 1874.

Q. It was not inaugurated by you, was it? A. No, sir.

Q. But it was part of the system of the department before you were appointed? A. Yes, sir; it has been substantially the system ever since the creation of the department, except the particular year that I speak of when it was placed in the hands of the city's chamberlain.

Q. And that was afterward abandoned? A. Yes, sir.

Q. During Mr. Goff's three days' examination of you, by various insinuations and sometimes by questions, he has asked you or inferred that during the time that you have been a commissioner of police in this city, that you have directly or indirectly, approximately or remotely, in some direct way or indirect way, received some compensation, money consideration or valuable thing for the appointment or promotion or transfer of any officer on the police force is that true or false? A. It is false.

Q. Have you ever, during the time that you have been police commissioner of the city of New York, directly or indirectly through your friends or any other persons, received any consideration or valuable thing for the appointment of any men on the police force? A. I never have.

Q. Have you ever, since you have been a police commissioner, either directly or indirectly, through yourself or through some other person, received any consideration or money or other valuable thing for the promotion of any man upon the police force? A. I never have.

Q. Or for the appointment of any man on the police force as captain? A. No, sir.

Q. Or for the appointment of a sergeant? A. No, sir.

Q. Or as a roundsman? A. No, sir.

Q. Or as a patrolman on the police force? A. No, sir.

Q. How long have you lived in the city of New York? A. I was born here on the 11th of September, 1893.

Q. When were you married? A. In March, 1857.

Q. How old were you when you married? A. Eighteen years of age.

Q. How many children have you had? A. Fourteen.

Q. How many are living? A. Nine.

Q. Nine are now living? A. Yes, sir.

Q. In addition to that large family, have you had any other persons depending upon you for support? A. Yes, sir.

Q. Who have you had depending upon you for support? A. My father and mother; a widowed sister and seven children, and eight children without father or mother of my brother's.

Q. And have you since your marriage by your own labor supported all this large number of persons? A. Yes, sir.

Q. When did you first go into business? A. I started first in 1860.

Q. With whom? A. I was the junior member of the firm of Parkin, McClave & Co.

Q. Was that the firm that failed? A. No, sir; we started in with a very small capital, Mr. Parkin furnishing the money; we only had about \$1,500, and after we had been doing business a while my brother and I bought out his interest and then went on together for four or five years, up to 1875, when I bought my brother's interest out; the time of the embarrassment of the firm was in 1870; my brother and myself were then together.

Q. It has been suggested here by Mr. Goff that you, while you were treasurer of the board, used some of the pension fund for the purpose of speculating in Wall street, is that true? A. No, sir; it is not true.

Q. Have you ever used a dollar of the police fund for any purpose? A. No, sir; never in my life.

Q. Or for any private purpose? A. Never in the world; could not if I wanted to.

Q. You have been in very active business since 1875, have you not? A. Yes, sir; I have been in active business since 1860; before that I would state that in 1852 I entered the New York College, here in the city of New York, and left there in 1854, and taught in grammar school No. 17 for about a year; I then went as a clerk in an importing hardware house for about a year, and they failed, and then I secured a position as entry clerk in the

wholesale dry goods store of Stone, Star & Co., No. 34 Cortlandt street, and I remained there for a year or two, until I took the general management of a box factory and lumber yard, and from that I went into the business I speak of in 1860.

Q. On your own account? A. Yes, sir.

Q. But in partnership? A. Yes, sir.

Q. And then you went on in that business until you finally bought out your other partners and became sole owner? A. Yes, sir; I bought out my brother's interest in 1875, I think it was.

Q. And you have been doing ever since that time a considerable business? A. Yes, sir; a pretty large business.

Q. Some years more and some years less? A. Yes, sir; it varies, I should think, during the entire period of my business life, my business would probably average \$400,000 a year.

Q. But you have been under very large and heavy expenses during all this time? A. Yes, sir.

Q. What has it cost you to maintain your children, your grandchildren, your father and mother and sister and her seven children and all the others that you have mentioned, about a year?

A. Unless it is necessary, I would not care about stating that.

Q. Well, it cost you a very considerable amount of money? A. Yes, sir.

Q. During the period of your business life, have you been connected at all with politics? A. Yes, sir; I was elected as an alderman in 1878.

Q. Tell us in your own way what your politics have been and what your political associations have been and the offices you have held and your connection generally with politics? A. My father was an old line Whig and I inherited my Republicanism from him; I took the platform for John C. Fremont when I was 18 years old; in 1860, I cast my first vote for Abraham Lincoln, and from that time to this I have never failed to cast my vote and support the candidates of the Republican party; I took the platform over and over again, and I was president of a Republican organization for 16 years.

Q. What organization was that? A. The Seventeenth Assembly district; I was a member of the Republican State Committee for five or six years and first vice-president of the Republican county committee for a number of years.

Q. Have you now stated all of the political associations that you have had to do with? A. In what respect — as to holding office, do you mean?

Q. Yes; as to holding office — you were an alderman, were you not? A. Yes, sir; I was elected first in 1878, as an alderman from what was known as the Eighth Senatorial district; a territory covered by which was from Fortieth street to the Harlem river and from East to North rivers; I ran two years in that district,

and was the first Republican alderman who was ever elected there; my party then nominated me for alderman-at-large, and I was elected to that position; they renominated me again for alderman-at-large, but I declined to accept it; I then, some two or three years after being an alderman, was appointed by Mayor Franklin Edson, as a Republican commissioner of police.

Q. Under the law which required the mayor to appoint a Republican? A. There never has been any law in reference to that question; it was held by some lawyers that there was the inference, owing to the fact that the inspectors of election from the different political parties—the inference was that there should be a Republican on the board, one or more.

Q. That was the practice for many years? A. Yes, sir.

Q. During the time that you have been police commissioner, have you recommended the appointment of a large number of persons on the police force? A. Yes, sir; I have.

Q. Have you received letters of recommendation, urging the appointment of those persons? A. Yes, sir; generally, where it is possible, I have endeavored to get a recommendation from the parties in whose employ he has been engaged.

Q. As Mr. Goff has properly pointed out, is the distribution of power in the police board, you representing the Republican organization or the Republican party, other things being equal, and the fitness of the men being ascertained by means of the civil service examination, you have accepted the recommendation of your Republican friends, have you not? A. Yes, sir.

Q. Just as the Democrat commissioners have accepted the recommendation of their Democratic friends? A. I fancy they did that; I never talked with them about it.

Q. But whatever they did, you accepted the recommendation of your Republican friends? A. Certainly.

Q. You were governed, were you not, by the character, standing and judgment of the persons who recommended the applicants for office? A. Yes, sir.

Q. Take a look at the list of names that I show you and state whether or not you appointed gentlemen to the police force upon the recommendation of the men named in that list? A. Yes, sir; I appointed for all of those gentlemen.

Q. These are some of the gentlemen for whom you appointed? A. Yes, sir.

Q. For instance, you remarked this morning that you appointed one of the captains at the recommendation of Mr. Cruger, I think? A. Yes, sir.

Q. And Mr. Webb himself stated that he had written you such a recommendation? A. Yes, sir.

Q. And that his brother, William Seward Webb, had also writ-

ten? A. Yes, sir; and Mr. Brookfield was one of the prominent indorsers for Captain Price.

Q. Without going into the names of these gentlemen, is it a fact, generally, that where gentlemen in your party, of good repute and sound judgment and a fair understanding, recommended the appointment to an office, you gave his consideration great weight, provided the applicant's fitness had been ascertained by the civil service examination? A. I served them whenever I could.

Q. I understood you to say that during the entire time that you were on the force that you have appointed five, or recommended the appointment of five, police-captains? A. I should think that was about it.

Q. And are their names Straus, Stephenson, Price, Martens and Westervelt? A. I am a little in doubt whether I recommended Westervelt, but I think likely I did, either Mr. French or myself; I don't remember which.

Q. Mr. French was also a Republican commissioner? A. Yes, sir.

Q. You have brought us the recommendations of Captain Price? A. I have brought you some of them; I have them all as matter of record.

Q. But you have not brought the record in reference to Captain Martens? A. No, sir.

Q. Or of Captain Stephenson? A. No, sir; I do not think I brought all in reference to any of them; I think, in the case of Captain Price, I have 70 or 80 or 90 letters of indorsement.

Q. You have a large number of indorsements from the Republicans in good standing in this community? A. Yes, sir; for all of them.

Q. In reference to all of those appointments? A. Yes, sir; the best in the world.

Q. But after these captains had passed through the civil service examination and had been recommended to you for appointment, did you take into consideration and give due weight and consideration to the recommendation of these gentlemen? A. I did, always.

Q. It has been inferred by Mr. Goff in the course of his inferential examination, that at the time of the appointment of Captain Price, that you received some consideration; is that true? A. No, sir; it is not.

Q. Did you, directly or indirectly, either through yourself or through some other person, approximately or remotely, ever receive any money or other valuable thing for the recommendation of the promotion of Captain Price? A. Never in my life.

Q. It has likewise been inferred by Mr. Goff, that at the time

of the appointment of Captain Price, you received some valuable consideration for recommending his promotion; I ask you whether directly or indirectly, approximately or remotely, either through yourself or any other person, you received any money or valuable consideration for suggesting or recommending the appointment or promotion of Captain Price? A. I did not.

Q. And is the same answer true in regard to Captains Martens, Stephenson and Westervelt? A. The same answer is true in regard to every appointment that I ever made on the police force.

Q. Something has been said in regard to Inspector Williams, the trial of Inspector Williams, which took place many years ago; do you remember that trial? A. Yes, very well, indeed.

Q. What were the charges made against Inspector Williams? A. There were several specifications claimed, that houses for prostitution and gambling houses —

Q. It was under the general charge of conduct unbecoming an officer, was it? A. Yes, sir.

Q. And the specifications were, were they not, that gambling-houses and disorderly houses of other character existed in his district? A. Yes, sir.

Q. Who made the charge? A. If I remember correctly, it was mainly made by a man by the name of Challan, was was connected with the Society for the Prevention of Crime.

Q. Do you remember anything of the history of the trial? A. Yes, sir.

Q. Did it take place before you? A. I was one of the trial commissioners.

Q. Who appeared for Captain Williams, and what occurred on the trial? A. Mr. Elihu Root, Col. George Bliss and Joel B. Erhardt were Captain Williams' counsel in the case; do you know what occurred?

Q. Yes, in a general way? A. I would simply say in reference to the complainant, who was Mr. Challan, that the counsel on the other side, headed by Mr. Root, agreed with the prosecution, that if they would put the complainant on the stand —

Mr. Goff — I object to that.

Chairman O'Connor. — What is the objection?

Mr. Goff. — Mr. Challan was never the complainant, the record does not show that.

The Witness. — The trial papers will show it.

Mr. Goff. — No, you are mistaken, Mr. Commissioner.

Mr. Nicoll. — You have the complaint there.

Mr. Goff. — The complaint was signed by the Rev. Howard Crosby.

Chairman O'Connor. — We will overrule the objections.

Mr. Goff.—I further object to the witness stating what he thinks or alleges took place between counsel for the prosecution and the other counsel, what does he know about it?

Q. The question infers personal knowledge.

Mr. Nicoll.—I did not ask him to tell anything of that sort; I asked him to tell what occurred on the trial.

Mr. Goff.—He was going on to state what the agreement of counsel was, and I object to that.

Mr. Nicoll.—If he knows he can tell.

Mr. Goff.—I object to the commissioner stating anything except what appeared upon the record.

Chairman O'Connor.—We have allowed a pretty broad latitude in the direct examination, and we will give the defense the same opportunity.

Mr. Goff.—We have kept to the record.

Chairman O'Connor.—This involves personal knowledge. This is confined to what took place on the trial.

Q. Go on. A. The counsel for Captain Williams agreed that if the prosecution would place Mr. Challan on the stand, that they would prove that he was a receiver of stolen goods and a keeper of a house of prostitution himself, and a thief generally; that is expressed in the brief of Mr. Root; have you that brief there?

Q. I have the brief.

By Chairman O'Connor:

Q. Was that so stated to the commissioners? A. Yes, sir; that was so stated to the commissioners at the trial.

Mr. Goff.—We have been excluded from showing what counsel state; that forms no part of the record. I simply read from the opinion of Commissioner Porter and that forms part of the judgment-roll. We do not refer to anything stated or urged by counsel on either side. What earthly object can there be in showing what counsel upon that trial agreed to.

Chairman O'Connor.—You offered the evidence of Captain Williams' case in order to have the committee infer something against the commissioner, and we shall allow the commissioner to explain that.

Mr. Goff.—I do not want the commissioner shut off from any explanation, but I think it is improper to permit him to go on and state something that does not appear on the record.

Chairman O'Connor.—He may state anything that occurred on the trial, to his knowledge.

Mr. Goff.—It opens the gate to us then; that is all.

Chairman O'Connor.—Certainly.

The Witness.—The statement that I made appears on the record; that is the reason that I made it.

Recess.

Afternoon Session, May 24, 1894.

Present.—All of the committee except Senators Lexow and Saxton. Counsel for both sides present. Senator O'Connor in the chair.

John McClave resumes the stand.

Cross-examination resumed by Mr. Nicoll:

Q. The last question, as I recollect, had reference to the trial of Captain Williams, and just as recess occurred you were about to state what had occurred on that trial affecting your judgment and final decision in the matter? A. If the stenographer will please just read as far as my statement went.

Q. We have changed the stenographers in the meantime, and so we have not got it? A. Shall I state the case over.

Q. Yes; you might state it over briefly? A. Well, I stated that in that case Mr. Elihu Root, Col. George Bliss, and Mr. Joel B. Erhardt were the counsel for Captain Williams at the time, and that the complainant, in the case at least one of the complainants, was a man named Chatlain; that Mr. Root, on the part of his colleagues, challenged the other side to place Mr. Chatlain on the stand, promising, if they did, that they were prepared to show that he was a receiver of stolen goods, a crook, and a keeper himself of two houses of prostitution; Chatlain was not put upon the stand, and in the brief filed with the papers submitted for the counsel of Captain Williams, that fact will be clearly set forth in that brief; the conclusions in the brief of those gentlemen, after listening to the trial, the closing paragraph, if my memory is correct about it, was that Captain Williams had substantially put it in the form of a demand; should be promoted rather than punished, as the evidence all went to show that he had so thoroughly performed his duty as a captain as to entitle him to promotion.

Q. Look at the paper which I now hand you and state whether or not that is the paper which influenced your judgment?

Chairman O'Connor.—What is the paper, a brief?

Mr. Nicoll.—A brief.

Q. Look at paragraph six, the last of it? A. Yes, sir.

Q. Now read the last paragraph of the brief? A. "These charges against Captain Williams are based upon facts general in their character, and, so far as they are true, of long standing; the last charges against him were of a similiar nature; both were preferred just as he was a prominent candidate for promo-

tion to an Inspectorship of the police. In both cases, the real object is believed to be to prevent his promotion. This remark, of course, does not apply to the superintendent of police, who has but performed his duty. It is no disparagement to the other officers of the police force to say that Captain Williams is stated to be one of the ablest and most efficient captains on the force. Under the test weight of civil service examinations recently concluded, he stands first of all the captains who stand for promotion. The high state of efficiency in the administration of the law in his precinct is conceded upon the trial. The diligence and faithfulness in administering the particular rule in question has been provided here, without any possibility of a doubt, and in all the testimony there is not a word to pass discredit upon him. To have incurred the enmity of the bad men who formulated his prosecution is to his credit; and the judgment of the board, as a result of that prosecution, ought to be rather his promotion than his punishment.

(Signed) ELIHU ROOT,
"Counsel for the Defendant."

By Mr. Goff:

Q. Where is Col. Erhardt's name there? A. He was one of the men who made a speech at the trial in behalf of Inspector Williams, which is a part of the record, taking the same ground, that he should have been promoted.

Q. And Mr. Bliss also? A. Mr. Bliss, also; yes, sir; Mr. Moss will remember; he was one of the counsel on the other side.

Mr. Moss.—If you want my recollection, I will tell it.

Mr. Goff.—Mr. Moss will state afterwards.

The Witness.—Yes, sir.

By Mr. Nicoll:

Q. Now, you were interrogated yesterday in reference to the trials of police officers before you, Mr. McClave; and some attempted inconsistencies were sought to be made out in regard to the judgment of your board; take, for instance, the case of the man—that name of the man I forget—who was dismissed on account of the unclean condition of his couch or clothing; did you take into consideration, in dismissing him from the force, the previous bad features of his record? A. Yes, sir; he had twenty-nine different charges against him in a period of four or five years.

Q. In a period of four or five years? A. Yes.

Q. And when you rendered a judgment against him of dismissal upon those final charges, you took into consideration the fact that he had been previously charged and convicted by your board of other offenses? A. Yes, sir; I sent up yesterday, Mr. Nicoll, in connection with that case, to see if I could learn any-

thing that had a tendency to refresh my memory, and word has been brought back to me that his captain states that he was thoroughly dirty, thoroughly filthy, and was not fit to sleep with the other men or in the beds occupied by the other men.

Q. Now, in the case of the man who was convicted for a period of five or six days' pay, I think, was who? A. Sergeant McCartney.

Q. For assault? A. Yes; the complaint was dismissed.

Q. Tell us the reason which induced you to act in that case? A. The testimony in the case went to show, if my recollection is now correct, that instead of the sergeant assaulting the citizen the citizen had assaulted the sergeant; and the testimony of Mr. Voorhees, acting as police magistrate at the time, was that the sergeant was brought into the court-room covered all over with blood; the citizen afterwards went before the grand jury to try and have him indicted, and the case was thrown out, and the grand jury would not indict.

Q. The citizen withdrew the charge, Mr. Jerome suggests, to me, from the grand jury; withdrew the charge before the grand jury? A. I don't know that; the grand jury did not indict.

By Mr. Goff:

Q. The citizen was an employe of a street railway in the city of New York? A. I don't recollect that.

Q. He was a street-car driver in the city of New York? A. I don't recollect that.

By Senator Bradley:

Q. You made a remark about the captain, saying he was not fit to sleep in another man's bed? A. Yes.

Q. Are there any more than one who sleep in one bed? A. Some of the station houses are so overcrowded that it is sometimes necessary for one officer to get in the bed as soon as the other gets out of it; we are making the improvements as fast as we can and can get the money; we are trying to build one or two station-houses a year, when the money can be got; I think it would be a good thing for the department if a large amount of appropriations were made and a large number of the precincts were rebuilt; when we go before the board of estimate and apportionment they try to keep down their budgets as far as possible, and they give us one at a time; and when there is only one of them it would take 35 or 36 years to build them, although we have constructed five or six in the last two years.

By Mr. Nicoll:

Q. Your attention was called to Martin Hanaky, of the Twenty-fourth precinct, who was convicted before your board of several days' pay; do you recollect the circumstances of that case?

A. No, sir; I do not recall them now.

Q. You do not recollect the circumstances of that case? A. No, sir.

Q. Now, on the question of making appointments, Mr. McClave, have you been, during the time you were commissioner, particular to see the applicant yourself, and to examine him? A. Always.

Q. Tell us what your practice is in that regard? A. My practice in reference to the applicant, when he first comes before me with a letter from some one introducing him, about his aid, about his height, where he was born, how long he has lived in New York, what has been his various occupations, running back to a number of years; and if that is satisfactory, I then send him out to write a letter of application in his own handwriting, asking for the place; when that is done his papers are sent into the chief clerk's office to get what we call a "character form," his character must be certified to by five reputable people, who have known him for not less than five years each; and if that is entirely satisfactory, the papers then go to the board of police surgeons; they meet every Monday and examine applicants physically; they file their certificate of examination on the applicants, and they become a part of the papers signed by the surgeons; if those are all satisfactory they are brought before the full board of police commissioners; they are then forwarded to the civil service examiners, and we never hear any more of him again, unless his name should happen to come back on the eligible list; if he does come back—these men keep track of it more than the commissioners do; they seem to know when they will come back; and we get back 20 per cent. of the entire number we forward to the civil service; they then go again before the commissioner who signed their application, calling his attention to the fact that his name is on the eligible list, ordinarily producing additional letters requesting the appointment; the commissioner then, if he thinks of taking them up again, goes over the questions and compares the statements as to where he was born, and occupation, and so forth; and during all my time in the department I do not recall a man that I was ever going to take before the board of police commissioners, to ask for an appointment, that I have not always put directly those questions to the applicant, "Have you ever given, have you ever agreed to give any money or any other consideration of any nature for your appointment

to anyone?" Unless their answer is absolute and positive, it would not be touched; if they are appointed they go again through another examination to see there has been no change in their physical condition, since the time of their application; they then make affidavits to the facts set forth here, and their appointment is made; that is the modus operandi I take always.

Q. Now, in making the appointment, is the first and chiefest consideration the merit of the candidate himself, as ascertained in the way you have described? A. Unless I had every reason in the world to believe he was a proper person for the position of patrolman, I would not touch him at all.

Q. And in selecting between persons equally meritorious, is your judgment controlled by recommendations as to his good character from persons in whom you have confidence? A. Yes, sir.

Q. Mr. Webb testified this morning, in reference to a Mr. Patrick Shay, you, it appears, was appointed on the police force, and stated that he loaned him the sum of \$300 during the interval of his employment by the corporation and his appointment on the force for the purpose of maintaining himself and his mother; there was some inference in the question of the counsel that that money was not paid for that purpose, but was paid for the purpose of procuring the appointment upon the police force; I ask you now, whether directly or indirectly, through yourself or any other person, you received or agreed to receive any sum of money for the consideration of Shay's appointment? A. I did not, sir.

Q. And whether or not you appointed Shay only after he had passed through these various examinations required by law, and established by yourself upon the recommendation of the persons in whom you had confidence? A. I did, sir.

Q. Look at the paper which I now show you and state whether or not those are the individuals who recommended Shay to you as a man of good character; and, if so, please read them? A. Yes, sir.

Q. Who are they? A. It reads that "Each of the undersigned respectfully represents to the commissioners of the police department of the city of New York that he can and does hereby testify that he knows the above applicant personally; that he is a man of good, moral character, of sober and industrious habits; that he has never known him to be guilty or convicted of any criminal act or disorderly conduct; and each of the undersigned further says, that he consents that this certificate may be made public, and is willing to furnish any other information, respecting the applicant which he possesses." (Name signed.) "H. Walter Webb, 202 Madison avenue, George D. Wilder, D. D., Riverdale Rectory, New York city; Samuel D. Babcock, 636 Fifth

avenue, New York; Thomas J. Cuthbert, 15 Cortlandt street, New York, and John S. Alger, Riverdale, New York city."

Q. Now, look at the letter which I show you and the reply to it two days later, and state whether or not that is the correspondence which passes between you and Mr. Webb upon the subject; and, if so, please read it? A. Yes, sir; since Mr. Webb was here this morning I sent a messenger to the police headquarters to get all these papers in question, and these have been returned to me.

Q. Please read me Mr. Webb's letters? A. "The New York Central and Hudson River Railroad Co., Grand Central Depot, H. Walter Webb, third vice-president. New York, November 26, 1892. My Dear Mr. McClave.—The bearer of this is anxious to get on the police force. I have known him well for the past five years, and he is an entirely reliable, straightforward, capable and honest man. I have no hesitation in recommending, and will be glad to do anything I can to get him the place he wants. I feel very much interested in him, and want to help him. If there is anything I can do to further his wishes, I shall certainly take pleasure in doing so. Will you not let me know just what his chances are, of getting on the police force very shortly? If you can aid me in any way in this matter I shall be only too glad to reciprocate at any time when I can do so. I send this letter to you under cover, and if you will drop me a line stating what I should do and what the prospects are, I shall be greatly obliged. The bearer, Shea, has been in the employ of the American Express Company for some time, and I have no doubt they will recommend him fully as highly as I do. Yours very truly, H. Walter Webb. Hon. John McClave, Commissioner of Police." My reply to it is under date of November 28, 1892: "My Dear Mr. Webb.—I have your favor of the 26th inst., in reference to Patrick V. Shea, for appointment as patrolman in the police department. I have given to him a certificate to appear before our board of police surgeons on Monday next, will be their first meeting day, to be examined as to his physical condition. If he passes such examination, and I have no doubt he will, from his general appearance, his papers will then be sent to the civil service commission, at Cooper Union, for examination, and they will have to notify him to appear for examination whenever it will take place. They generally have two examinations a year, for the position of patrolmen in our department. One, I think, takes place along in April or May, and the other some time either in September or October. Whenever there are vacancies in our department we notify the civil service board to that effect, and ask for an eligible list, from which to fill such vacancies. They, as provided by law, send us a number of names equal to one and a half times the number of vacancies

existing, commencing with the one having the highest per cent. and running down until they reach the particular number sent us. It is from such a list our appointments are made. I feel confident that Shea will pass the necessary examination. He looks to be good physically, and at least ordinarily intelligent; and if he should get himself in an eligible position (as provided by law) I should be only too glad to grant your request and have him appointed. There is no possible way in which the matter can be hurried, else I should take pleasure in expediting it for you. The laws and the rules of the civil service commission govern and regulate the mode of examinations, etc. With kind regards, I am, very truly yours, (Signed) John McClave, Police Commissioner. H. Walter Webb, Esq., vice-president, etc. (Dictated.)"

Q. You were interrogated in the course of the examination by Mr. Goff with reference to the absence of certain checks and blank stubs, which appear in the check-book; have you made any inquiries for the purpose of furnishing the committee with an explanation of that fact? A. Yes, sir.

Q. Look at the letter which I now show you, and see whether you think it will assist you in making your explanation to the committee? A. When Mr. Goff called my attention to the fact of the 16 checks, I think it was from the Bank of North America that the stubs were marked, "No checks filled out for these stubs;" I at once sent up to the treasurer's bookkeeper for an explanation as to that fact, and the reply that I got is May 22d.

Mr. Goff.—I think, gentlemen, we ought to have the witness who wrote the letter here.

The Witness.—This is signed by the treasurer's bookkeeper.

Mr. Goff.—I know, but we have had the treasurer's bookkeeper here.

Chairman O'Connor.—We can not admit that in evidence, you know.

The Witness.—I will state the facts without reading it.

By Mr. Nicoll:

Q. I simply hand you that to refresh your recollection of it after reading it.

Chairman O'Connor.—He can refresh his recollection with it.

A. It happens sometimes—I have stated that the pensioners are paid quarterly on the first day of each month.

Q. The first day of each quarter? A. Yes; each quarter commencing on the first of January, and then on the first of April, and July and November; now, there are in the neighborhood of 1,200 of those checks, and it becomes necessary that they should be drawn a little ahead of the first of the month; they are all

dated, however, on the first day of the month, and they are generally filled out and signed by the treasurer four or five days before the first of the month; now, it happens sometimes that when the pensioners come to collect their money that there are some that do not appear; we then learn that the pensioner has died four or five days, perhaps, before the first of the month, and therefore would not be entitled to the full amount in the body of the check, and check is taken from the back of the book, the number of it is scratched off, it is numbered to correspond with the number of the check that was filled out originally for the full quarter; that check is destroyed and the other one, for a smaller amount, is substituted in its place; that accounts for the checks in the back.

Mr Goff.— May I look at this letter? We ask that this letter be put in evidence, if the gentlemen please. (Being the last letter shown witness.)

Chairman O'Connor.— Very well; if you want it in evidence. (Letter marked Plaintiff's Exhibit 3,) and is as follows:

"Treasurer's Office,
"Police Department of the City of New York."
"No. 300 Mulberry Street,
"New York, May 22, 1894.

* Mr. McClave:

"Dear Sir.— The blank stubs which appear in the check-book is explained in this way. The checks are made out and signed sometimes one week before the expiration of the quarter. After the checks are signed I am informed of the death of a pensioner. I am then obliged to make a new check for amount actually due to the date of the death of the pensioner. I take a check from the back of the book and make a check for the correct amount, giving the check, or numbering the check, the same number, destroying or burning the first one. As the names are entered in alphabetical order, I am obliged to keep them so to avoid confusion and errors.

"Respectfully,

"GEO. D. GOYF, B. C."

Q. Now, on reference to the existence of disorderly places in the city of New York, such as gambling-houses, or policy shops, or houses of prostitution, the duty of inspecting, observing and suppressing those is imposed by law upon the police, is it not?

A. Yes, sir.

Q. And not upon the commissioners? A. No, sir.

Q. And the board of police have made rules, perhaps, prior to your incumbency? A. Yes, sir; always been in existence.

Q. In which that duty is distributed among the force, from the superintendent down to the captain, and their subordinates; is that the fact? A. Yes, sir.

Q. And do you rely under those rules and under that system of law upon the subordinate officers for the purpose of suppressing those places, as far as possible to do so? A. Necessarily, we have to, sir.

Q. And in case of their failure to do so, and charges are made against them, do you examine the charges and conduct the trial, and make your conclusions accordingly? A. Yes, sir; that is always the case.

Q. And that is the system on which the department is conducted? A. That is the general system.

Q. It is not your duty, as a commissioner, or that of any of the other commissioners to go about the city of New York for the purposes of ascertaining the existence of gambling-houses, or policy shops, or brothels? A. We never considered it so.

Q. That is what is imposed by the statute on the uniformed force? A. Yes, sir.

Q. And that is your explanation of the question propounded to you by Mr. Goff yesterday as to why you did not yourself go around and inspect the places referred to in certain newspapers? A. That was my answer; yes, sir.

Q. Which one of your daughters did Gideon Granger marry? A. Clara.

Q. And when did he marry her? A. On the first day of December, 1887.

Q. Had you known him prior to that time? A. Yes, sir.

Q. Had you known his parents? A. Yes, sir.

Q. Had they been living in the city of New York? A. Yes, sir; they came from Canandaigua to live in New York about two years prior to that time.

Q. Were they good people, in good position and excellent standing? A. Very excellent, indeed, sir.

Q. And how long had you known this young man prior to the time when he married your daughter? A. I should think he had been coming to our home for about a year, perhaps, or a year and a half, maybe.

Q. Before that time? A. Yes, sir.

Q. So that you had got to know something about him yourself? A. Yes, sir; I suppose I did.

Q. Had you conversations with him in respect to his circumstances and abilities? A. Yes.

Q. His position and his work? A. I did, sir.

Q. And were you induced by this knowledge to consent to an

alliance with your daughter? A. That was partially it, sir; and they both seemed to love one another.

Q. And you believed him to be a worthy young man, at that time? A. Why, certainly I did.

Q. At or about the time of the marriage, had you any transaction with him; do you recollect that, Mr. McClave? A. Yes; I remember it; on the very day he was married.

Q. What was that transaction? A. He came to me at police headquarters on the day that he was married; he had in his hands some bills of lading, and he said, that very unexpectedly certain drafts had been drawn upon him, and he found that he was a little short in his bank account, and, in view of the fact that he was going off on his wedding trip that night to be gone 10 or 12 days, he asked me if I would not lend him \$500 on his note for 20 days, endorsed by Mr. Judd, the gentleman he was with.

Q. Did you know Mr. Judd? A. I have never seen him, sir.

Q. What did you say to that? A. I thought it was a little strange; I did not like it, coming just at that time; I had no reason, however, to doubt the truthfulness of his statement; I accepted his statement, and gave him \$500 on the note.

Q. And is this the note that he gave you; look at the paper which I now show you, and state whether or not that is the note he gave you upon that afternoon? A. Yes, sir.

Q. Is the name "George W. Judd" written on the back of the note? A. There is that name there; yes.

Q. Do you know whether Mr. Judd ever signed that? A. Mr. Judd was in the court-room the day before yesterday.

Mr. Goff.—Objected to.

Chairman O'Connor.—Objection sustained. If he knows, that is proper.

Mr. Goff.—I only object to what Mr. Judd said in court.

The witness.—I only know from what Mr. Judd said.

Chairman O'Connor.—Mr. Judd is the best witness.

Mr. Nicoll.—May I call Mr. Judd after I get through with Mr. McClave?

Chairman O'Connor.—Yes; you can call him now if you want to. Is he in court?

Mr. Nicoll.—I do not know that he is in court here now. I did not suspect we would want him to-day.

Chairman O'Connor.—You do not expect, after contradicting Granger, to ask to strike out his testimony, do you? If you intend to give evidence that Granger has made statements affirmatively, which are not true, you are not going to move to strike out the testimony? I do not expect to express any opinion one way or the other. There is no use of contradicting testimony if it is stricken out, and we will strike it off if he is not produced.

Mr. Nicoll.—We will see whether he is produced later. We can not cross that bridge until we get to it.

Q. Now, Mr. McClave, in the course of his examination, Granger stated at page 1184 of the minutes: "Q. Mr. McClave has sworn here to-day that he never received a check signed by George W. Judd, for the sum of \$250, payable to his order; do you know whether such statement is true, or not? A. I know he received a check." This is Granger's statement. "Q. From Judd? A. Yes, sir; but I don't know whether it was for \$250 or \$200; it was either one or the other. Q. How do you know he received that check? A. Because I took it up to him. Q. Did you see Mr. Judd write the check? A. Yes, sir; he — sir? Mr. Judd did not write the check; he signed it; the bookkeeper, W. P. Dixon, wrote it. Q. To whose order was that check made payable? A. John McClave. Q. Do you know what that check was for? A. It was either \$250 or \$200. Q. Do you know what the consideration was? What was the money paid for; did Mr. Judd owe Mr. McClave money? A. No; I don't think Mr. Judd did; I did. Q. Was that check in payment of a debt that you owed to Mr. McClave? A. No, sir; because the check was from Mr. Judd. Q. What was the check for? A. Well —

"Senator O'Connor.—Do you know what it was for? A. Well, it was for — Q. Do you know? A. No, sir; I don't know.

"Senator Bradley.—You are just going to say what it was for, and you drew back? A. No; I don't know what it was for.

"Q. Had Mr. Judd and Mr. McClave any connection in relation to that check or any other check? A. No, sir. Q. What did you say to Mr. McClave when you handed him that check? A. I said, 'Here is the money that we promised to pay you.' Q. That who promised to pay? A. What 'we,' I think I used the word. Q. Whom do you mean by 'we?' A. I meant myself and a man by the name of Cooper. Q. Who was Cooper? A. He was a man that was connected with us in business, in a certain way. Q. How did Cooper come to owe him any money? A. I don't think Cooper did owe him any money; in fact, I know he did not. Q. Why did you include Cooper, as here is the money 'we promised you?' A. Because I was indebted to Cooper, I think, more than anything else. Q. You were indebted to Cooper? A. Yes, sir. Q. Was Cooper connected with Judd? A. No, sir. Q. Where did Cooper live? A. White House, New Jersey. Q. Was Cooper an applicant to get on the police force? A. Yes, sir." Is that the truth, Mr. McClave? A. No, sir; not a word of truth; if Mr. Judd ever drew such a check I never had it in my hand and never had any knowledge of it.

Q. You never had it in your hand, you never had any knowledge of it? A. No, sir.

Q. There is, you notice, on the back of this note a payment on something or other — \$200? A. Yes, sir; dated January 10; paid on account of \$200.

Q. Who paid you that? A. Granger.

Q. What for? A. On account of the \$500 note I loaned him the day he got married.

Q. How long is that after the date of the note? A. The note was due just about the day the note was dated, December 19, 20 days; that would bring it about the 10th; just about the day the note was due he came and handed me \$200 on account of the note, saying he would give me the balance of it in the course of a few days.

By Mr. Goff:

Q. Whose handwriting is that memorandum on the back of the note? A. The pencil mark is in mine, sir; my own handwriting.

By Mr. Nicoll:

Q. You recollect anything about the appointment of Cooper to the police force? A. I think I have seen the papers since Mr. Granger's testimony; I think I sent to police headquarters and got the papers; yes, sir; I remember them now, for I remember seeing them yesterday; I remember the papers.

Q. Had that payment of \$200 indorsed on that note anything whatever to do with the appointment of Mr. Cooper or anybody else on the police force? A. Not the slightest.

Q. And did it amount to anything more than the payment on account of the money he had borrowed on his wedding day in order to go on his honeymoon? A. That is all, sir.

Q. Now, again at page 1188, Granger swore that he knew a man of the name of August Dux, a butcher, of 915 Eighth avenue, and that he knew of the existence of a check from August Dux for \$300, and Mr. McClave's signature upon it; is that true? A. Oh, no.

Q. Is there a word of truth in it? A. Not a bit; not a word; not a particle.

Q. Do you know Dux? A. I do not know him, sir.

Q. You don't know him? A. No, sir.

Q. He goes on to say that the check was delivered to you by a dead man named Richards; when did Richards die? A. I think he has been dead three or four years, sir.

Q. He then proceeds — A. I don't understand that he said

the check was delivered to me, did he; in my recollection of it was he said he left it on his desk?

Chairman O'Connor.—He said the money was left on the desk.

Q. He says, page 1188: "Q. Mr. McClave has sworn here to-day on the stand that he never received a check from August Dux; can you state whether that is true or untrue? A. I know the existence of a check from August Dux for \$300, and Mr. McClave's signature on it;" inquiring about the check; is that true? A. No, sir.

Q. Did Dux ever come to your house and inquire about a check? A. No, sir; not to my knowledge; I want to say, somebody came to my house night before last and said Mr. Dux was anxious to come down here.

Objected to.

Q. Well, we are going to have him; that is another one we will call; put his name down. "Q. Mr. McClave has sworn here to-day that he did not know of such a man by the name of August Dux; is that true or untrue? A. Well, he may have forgotten; I know that he knows the man, because I introduced him to him myself in his front parlor. Q. Do you know what bank that check was drawn upon? A. Fifth Avenue bank. Q. Do you know the date of it? A. May 17th. Q. Do you know the date of it? A. May 17th; I don't know the year. Q. Do you know the number of it? A. Two hundred and fifteen, plus letters. Q. (By Senator Lexow.) That is the number of the check? A. Yes, sir. By Mr. Goff: Q. When did you last see it? A. Two weeks ago. Q. In whose possession? A. A man by the name of Dorsey." Did you ever receive any consideration for appointing a man of the name of Dux on the police force? A. I don't think there is such a man in the department.

Q. You did not? A. No, sir.

Q. Is there any such man in the department? A. I understand there is no such man.

Q. Have you caused an examination to be made for the purpose of ascertaining? A. Yes, sir.

Q. He then proceeds to testify, page 1191, as follows: "Q. What took place between you and Mr. McClave on this matter? A. He said he didn't think the money had been put up; I said, 'I am quite positive that it has been put up; it was put in George Richards' hands;' Mr. McClave said, 'If Dux put up any money in George Richards' hands he was a damn fool;'" Did you make any such statement as that? A. No, sir.

Q. Is there any truth in it? A. No, sir.

Q. Is that true or false? A. I have no recollection of such

a statement as that at all; I am not in the habit of using that kind of language; it is different from what I generally use.

Q. Now, after this man Granger had married your daughter, did you endeavor to launch him in any business for the purpose of making any income? A. Yes, sir; I tried to aid him in various ways during the period of six years; I did everything that lay in my power.

Q. What did you do; please tell us? A. I put him into business; I started a company with the understanding with him that if he would give me some evidence of his desire to try and do what was right, that I would turn it over to him for himself; after I had kept him there for about five or six months under a salary he seemed as if he was showing a disposition to reform, and I turned the entire business over to him, and made a bill of sale to him for the consideration of a dollar; he hadn't been in the place alone but, I guess, about one week when I found out afterwards that he had mortgaged all the machinery in my building.

Mr. Goff.—I object.

Chairman O'Connor.—This is all competent, any conversation between Granger and this witness, anything he said to you on this subject. It don't call for hearsay.

A. I discovered he had placed a mortgage upon all of my machinery, and all of my building for the sum of \$250.

Q. What did you say to him on that? A. Which he had accepted, \$150 for the mortgage, and given his note as collateral security for three months; at the expiration of three months the mortgagee was not paid, and the parties came to me for payment of it; I did pay it, sir.

Q. What did you say to him; what was the conversation you had with him on the subject at the time? A. Mr. Granger?

Q. Yes? A. He admitted to me he had put the mortgage there; the only thing I could get out of him in connection with it was, he didn't know why he had done it.

Q. During all this time, this six years he was married to your daughter, did he live in your house? A. Yes; he lived in my home and with my family.

Q. And were three children born to your daughter? A. Yes.

Q. And did you support them all? A. Yes; always.

Q. You had to support them all? A. Yes, sir; including him.

Q. Was there any time he was able to support himself, or his wife, or his children? A. He gave to his wife during the six years of their married life an aggregate amount not exceeding \$150, on three different occasions; two or three different

occasions he had given to her a little money to buy some trinkets for the children around the holidays.

Q. How long was it after he had married your daughter before you discovered what manner of man he was, that you subsequently found him out to be? A. Well, about a month, I should think, after their marriage; my daughter had received at the time of her marriage a very large number of gifts in the way of silverware, in one thing and another, quite valuable; she had placed them in trunks and taken them down and put them in the Garfield Safe Deposit Vaults, Twenty-third street and Sixth avenue; after they had been there for some time she went down one day for the purpose of getting something out of them, and when she got there she found the trunk was gone; she came and told me about it, and I went there and found that Granger had signed a receipt for them and taken them away; when he came home at night I questioned him about it; he told me he had taken them down to Simpson's pawnshop and pawned them for \$600; I gave him the money to go down and get them and put them back, and they are now in the Garfield Safe Deposit.

Q. That was the first irregularity that you discovered? A. Yes, sir; I then made inquiries from himself in reference to the Judd note; I commenced to think then that we had a very bad man on our hands, and he admitted to me that Mr. Judd had never signed the note; I then commenced to inquire into his habits.

Q. He admitted Mr. Judd had never signed an indorsement upon this note, which you discounted on the day of his wedding? A. Yes, sir; he told me so himself; on the very day he was married he came and got that about 2 o'clock in the afternoon; he was married in the evening.

Q. It was not dated on that day? A. No; it was dated back to come due about the time he got that from his wedding trip; he was calculating to be back in ten days.

Q. He was your son-in-law that married your daughter; what efforts did you make to reform this young man and to make a decent citizen out of him? A. I thought, Mr. Nicoll, when I discovered that he was not straight, that he was a young man; he had quite a number of nice traits about him.

Q. He had some nice traits about him? A. Yes, sir.

Q. What were they? A. He was pleasant in his way, and pleasant in his conversation; he had magnetism about him that made us apt to feel for him, and so we did, all of us; and I had a talk with him, and told him about the errors of his way, what they were bound to result in, and he promised me that he would change; I found then he was drinking very hard, and I said

to him, "We will have you live here with our family, with my wife and my children; sit at our table and eat with us, and we will show you the difference between right and wrong; you are a young man."

Q. How old was he? A. He was about 23.

Q. Twenty-three, only? A. Yes, sir.

Q. Did he promise to reform? A. Yes, sir; over and over again, a hundred times.

Q. By what appears from you of these letters which was read to you yesterday, that he was terms of great affection toward you, trusting you as his living father — A. Up to within two weeks ago, sir, he said there was never a man on earth like me.

Q. And had that affection arisen because you had done everything you could for him? A. He admits that, sir; there is a hundred letters to show it.

Q. Shortly after his promise to reform, didn't you make an effort to get him a position in the custom house — or in the post-office? A. Yes, sir.

Q. Tell us about that, please, and what you did, and what you succeeded in doing, and what it resulted in? A. I went on Postmaster Van Cott's bond for \$200,000, and I went to him and asked him, as a personal favor, that he give him a position there; Mr. Van Cott had no knowledge of his being wrong, but he promised me so faithfully that he would never do wrong again, I believe I was justified in trying him again; and I came down town with him, and he was appointed to a position in the post-office on Third avenue, and placed in charge of what is known as the money order branch; according to his own testimony, his own confession, signed over his own signature, after he had been in the post-office for four or five weeks, it was discovered he had stolen several hundred dollars; according to his own confession, he commenced to break open the mail within 20 minutes after he had been put into the office, and stole \$20 the first day; and the inspector of the post-office finally discovered it, and the only reason why they did not convict him was, because they could not do it upon his own confession, there being no other testimony against him.

Q. Did you make the money good? A. Yes, sir; Mr. Van Cott wrote me a letter, which I gave you yesterday.

Q. That is not evidence; you made the money good? A. Yes, sir.

Q. And you took the young man back to your house? A. Yes, sir.

Q. And you made another effort to reclaim him, then, after that? A. Yes, sir.

Q. And the reason you did it was on your daughter's account, and the children's account? A. On her account, and the children's account, and on the family's account, and his own account, because I did think a good deal of him, notwithstanding his ways; I wished he could be redeemed to-day for his own sake; nobody would be more pleased that I would.

Q. Do you recollect the next transaction that you had, or the next thing that you did looking toward helping this young man in life? A. Yes, sir; the next transaction was when I placed him in the White Lead Company, I think — or that was before.

Q. That was before the post-office? A. Yes, sir; I think he next got a place in Ehrich's.

Q. Then, you got that place in Ehrich's for him? A. I don't think I got that for him; I think he got it himself.

Q. How long did he remain in Ehrich's? A. I think he was there, altogether, three or four months.

Q. Was he discharged from there? A. Yes, sir.

Q. On what account? A. Stealing cloaks and other things.

Q. And other things? A. Yes, sir.

Q. And pawning them? A. Pawning them; yes, sir.

Q. Now, Mr. McClave, did he confess that to you; he told you about it, didn't he? A. Mr. Ehrich came to me about him and told me where the goods were located, a pawnshop on Sixth avenue, and asked if I would try and get them back, saying he would pay the cost of the money that had been loaned upon them.

Q. Did you? A. No, sir; I did not do anything about it; meantime I found out positively that he was going with a very low class of prostitutes, and demeaning himself worse than ever, and my daughter commenced proceedings against him for a divorce.

Q. And your daughter commenced proceedings against him? A. Yes, sir; on statutory grounds.

Q. It was tried in open court here? A. Yes, sir; before Judge Dugro.

Q. Where a divorce was granted to your daughter? A. Yes, sir.

By Senator Cantor:

Q. When was that?

By Mr. Nicoll:

Q. When was that suit? A. Judgment was had by inquest about two weeks ago.

Q. And what were the names under which he traveled with the different women in the hotels in which he put up, as appears from that suit?

Mr. Goff.—Is this proper? I object.

Chairman O'Connor.—It is necessary to go into these particulars.

Mr. Nicoll.—It is only to show the fact about it.

Senator O'Connor.—He is bad enough if one-tenth of these things are true.

Mr. Nicoll.—I wish to prove it in connection with certain documents I wish to put in here. I do not care much about that. If the committee do not think it is wise, I will withdraw it.

Q. Now, during these number of years that your son-in-law lived at your house, I want to know whether or not you paid out money for checks which he had forged, and upon which he had obtained the money from innocent persons? **A.** Yes, sir; a very large number of them.

Q. Look at the papers I now hand you, and state whether or not those are some of them, and state what money you paid on them, and to whom you paid them, and whose signatures are forged? **A.** The first one was on the Second National Bank of the city of New York, payable to the order of Gideon Granger, \$175; signed, George W. Rankin.

Q. George W. Rankin? **A.** Yes; indorsed by Gideon Granger; marked on the back of it, received July 14th, 1892; \$25, on account; that note was placed in the hands of Mr. Charles Peabody, an attorney on behalf of the Mechanics' Bank, for collection, and I paid it at Mr. Peabody's law office.

Q. Why did you pay it? **A.** Mr. Granger told me he had forged it.

Q. Now, take the next one? **A.** The next one is February 20th, on the Riverside Bank, payable to the order of George Granger, \$14.75; signed, George N. Rankin; marked for deposit to the credit of Park & Tilford, February 20th, 1894.

Q. Did you pay that check? **A.** Park & Tilford is within a few doors of my home.

Q. Did you pay that? **A.** Yes, sir; I paid it.

Q. Did he tell you he forged that check too? **A.** Yes.

By Senator Bradley:

Q. Is your name signed to it? **A.** My name is not signed to any of them.

Senator O'Connor.—Do you want to go through all of them, or simply give the number and the amount?

By Mr. Nicoll:

Q. You have only told us two of them? **A.** That is all.

Q. How many have you got there in your hand? **A.** There is 20 here, sir.

Q. Twenty? A. They are different names mentioned; they are not all in the name of Rankin.

Q. Many of the names that he put on there were fictitious names, weren't they? A. They are all fictitious names.

Q. And the draft and checks having been made out by a fictitious drawers on banks were taken around to some person whom you knew and cashed? A. Yes, sir.

Q. And then when they found the check was not good they came to you, and you paid it? A. Yes, sir.

Q. Is that the history of all those transactions? A. That is the history of them.

Q. What do they amount to altogether? A. Twenty thousand dollars altogether.

Q. What is the amount all told you paid on this young man's account for forged paper? A. During the six years in the neighborhood of \$20,000.

Q. Now, Mr. McClave, why was it that during all this period you never prosecuted this young man?

Chairman O'Connor.—Hasn't he said a dozen times he was the husband of his daughter, and father of three children, and he did everything he could to reform him? He has given that excuse a dozen times here.

Senator Cantor.—We have heard of the association with low prostitutes here.

Mr. Nicoll.—If you think that subject is exhausted, I won't go on it any more.

Chairman O'Connor.—I don't think you would make it any stronger. Some men would turn on him quicker than Mr. McClave would, and some would be more lenient.

Senator Cantor.—A public officer would be different, perhaps.

Chairman O'Connor.—If it came to the knowledge of the district attorney he would have to do it, but undoubtedly his father-in-law has been screening him, and a difference of opinion exists among different men as to the propriety of that.

Q. Now, this young man, Granger, has testified that Captain Schmittberger made a check to the amount of \$3,000 to the order of Richard Mott? A. Yes, sir; I remember the testimony.

Q. Mr. Goff says it is \$300? A. No, sir; \$3,000; it was testified \$3,000.

Q. It is so in the minutes, that he testified \$3,000; did you ever receive any such check? A. No, sir.

Q. Or know of any such check? A. No, sir.

Mr. Nicoll.—Now, will it be convenient for the committee to take an adjournment.

Chairman O'Connor.—Mr. Goff may have some witnesses here

he wants to swear; you can suspend further examination of Mr. McClave, if you wish?

(Mr. McClave leaves the stand.)

Mr. Nicoll.—Now, Mr. Chairman, Mr. Goff wants me to have put on the record the amounts of all these different forgeries which Mr. McClave has preserved out of the total amount, which he stated he had taken up at these different times.

Chairman O'Connor.—Hadn't we better take the names of the different parties?

Mr. Nicoll.—I will put the names and the amount; that is all. For instance, there is the name of George W. Judd, \$500, upon which he paid \$200. That is one. Now, there is A. O. Shoemaker, December 19, 1891, on the Metropolitan National Bank, for \$23.25; endorsed by the witness. There is Stephen W. Brown, on December 29, 1891, on the Ninth National Bank, for \$19.55. There is Chester W. Dartinger, to the order of E. A. Halpin, on the West Side Bank, to the amount of \$7.50, on December 1, 1891. There is Alexander Porter, on July 25, 1892, to the order of C. G. Granger, \$3.85; endorsed, C. G. Granger and Gideon Granger. There is Alexander H. Howell, April 23, 1892, on the Colonial Bank, to the order of Gideon Granger, and by him endorsed, and cashed by some man whose name I can not make out, \$28.19. July 18, 1892, on the Harlem Bank, William — well, we will call it McSomebody — Hoagland on the Harlem Bank, of the amount of \$9.50. Homer L. Batterson, on the Colonial Bank, September 15, 1892, \$15.75. George W. Rankin, on the Irving National Bank, October 20, 1892, \$17.50. George W. Rankin, April 5, 1892, on the Lincoln National Bank, to the order of George W. Granger, \$7.00. George W. Rankin, October 17, 1892, to the order of Gideon Granger, \$8.00. George W. Rankin, July 12, 1892, to the order of Gideon Granger, \$175. That is the one the committee inspected, George W. Rankin, to the order of George Granger, February 20, 1894, \$14.55; endorsed, George Granger and Gideon Granger. James R. Barker, agent, Hoboken, N. J., April 13, 1894, to the order of Amaserel Jackson, \$7.33; endorsed, Amaserel Jackson and Gideon Granger. S. W. Bowden, to the order of George W. Goff, February 18, 1894, \$11.75. Granville W. Gaither & Company, December 16, 1891, on the Bank of the Metropolis, to the order of Gideon Granger, \$4.16. January 23, 1893, James D. Drank & Company, to the order of Gideon Granger for \$19.50, on the Fifth Avenue Bank. To the order of J. W. Crede, February 7, 1893, \$400; endorsed, J. W. Crede & Company. This is a check dated May 9, 1892, on the Mutual Bank, Eighth avenue and Thirty-fourth street, payable to Rogers, Peet & Company, \$25, and it is signed by Gideon Granger, and marked no account; endorsed, Roger, Roger, Peet & Company, New York, December 27, 1891. Solomon L. Dewey, to the order of Climax Stopper & Bottle Company, \$8.23,

December 27, 1891. S. R. Haskell & Company to the order of Gideon Granger, agent, May 27, 1893, \$11.75; signed, Gideon Granger and Sidney B. Bowman.

Chairman O'Connor.—Have you any more witnesses you desire to swear to-day, Mr. Goff?

Mr. Goff.—Yes.

Mrs. Mahoney called to the stand.

Chairman O'Connor.—(After requesting the witness to raise her right hand and be sworn.) She objects to being sworn.

Mrs. Mahoney.—I am over 70 years old, and you can not make me swear. I am over 70 years, and I don't want to be given an oath; I will tell the truth and nothing else.

Mr. Nicoll.—I don't know that I blame her.

Chairman O'Connor.—I don't know that she wants to; but she will have to. Mr. Goff wants to ask her a few questions.

Mrs. Mahoney.—Let him ask them, and I will answer them.

Chairman O'Connor.—(The chairman repeats the form of oath without her raising her hand.) You are sworn to tell the truth, and must tell the truth.

Mrs. Mahoney.—I will tell the truth, but I won't swear to it; I don't know anything about the case; my son never paid a cent to go on the police, because he wasn't asked to pay it.

Mr. Nicoll.—He never paid a cent, and never was asked to pay it?

Mrs. Mahoney.—No, sir.

Mr. Nicoll.—Don't you think you could excuse this old lady, who refuses to take an oath?

Mr. Goff.—She refuses to take an oath.

Mr. Nicoll.—This is a committee of the Senate of the State of New York.

Mrs. Mahoney.—I don't know anything about it. I can not read or write, and don't know anything about it.

Mr. Nicoll.—They have come to investigate, and all they want you to do is to take the same oath that a witness would take in a court of justice.

Mr. Goff.—You want to tell the truth, don't you?

Mrs. Mahoney.—I do tell the truth.

Mr. Nicoll.—Put up your hand and say you will tell the truth.

Mrs. Mahoney.—I will not take an oath, as I am over 70 years old.

Senator Bradley.—You leave the impression in our minds that you are afraid, then.

Mrs. Mahoney.—No; I am not.

Chairman O'Connor.—You will tell the truth?

Mrs. Mahoney.—Yes.

Chairman O'Connor.—All the questions that are asked you, you will tell the truth?

Mrs. Mahoney.—Yes.

Mr. Nicoll.—May she not have the benefit of the statute, which gives a witness who don't want to take the oath, and be sworn that she may solemnly and truly tell the truth?

Senator Bradley.—She has already said she would tell the truth.

Chairman O'Connor.—All we desire of you here is, Mr. Goff wants to ask you a few questions. We do not know what they are, and before those questions are put to you the law requires you to be sworn to tell the truth about them; that is all there is to it; it is our duty to swear you.

Mrs. Mahoney.—I am satisfied to tell the truth, but I don't want to take an oath.

Chairman O'Connor.—It don't make any difference whether you are satisfied to take it or not. If you don't we will have to do something else; we will have to put you in the custody of the sergeant-at-arms, and take you to jail and make you testify, and we will have no fooling here, and you must understand that from the word go.

Mrs. Mahoney.—You can not put me up or down, as I am satisfied to tell the truth.

Chairman O'Connor.—You will have to be sworn to testify.

Mrs. Mahoney.—I will not do that. I am too long a Catholic, living in the Fourth ward.

Chairman O'Connor.—You make proof of the service—of the proper service of a subpoena, and we will see whether or not she will take an oath.

Mr. Goff.—All right, sir. It is a violation of the statutes, and we will have to have an order of arrest in order to indict her.

Mr. Nicoll.—May I examine the witness in the meantime?

Senator Bradley.—You can not examine the witness when she is not under oath.

Mr. Nicoll.—I want to examine her, not to go on record.

Chairman O'Connor.—Mr. Goff, on the section of the statute, which makes it a crime for any witness to refuse to be sworn on an investigation; that is the section that you have got to prosecute her on. Just arrest her, and bring her before a police magistrate?

Mr. Goff.—I ask that—will you swear the witness that served the subpoena in open court.

Chairman O'Connor.—The only way for you to do is to make proper proof of the service of this subpoena.

Mr. Goff.—Very well, we will make it.

Chairman O'Connor.—I do not charge anything against the counsel at all, but the people from whom she has come from; they know she has been subpoenaed, and they have probably given her some poor advice.

Mr. Nicoll.—I think you are mistaken about it, and this old lady is so much out of her element; like a lot of people of her class of life, she has some objection to taking a form of oath; but I think if you talked with her, and show her she ought to take her oath in the usual way, she will do it.

Mr. Goff.—Is it not a strange thing that before she was asked a question, when she was refusing to take an oath, she said her son did not pay anything to get on the police. Some female friend was here in court that we don't know. It is very strange that she came as a voluntary witness. It is very strange.

Chairman O'Connor.—We do not want to put you to any unnecessary trouble, and if you care to tell the truth, and nothing but the truth, it will do no harm to take an oath. We are required to take your testimony under oath, the same as any other witness. We can not make an exception in your case. By refusing to be sworn, you make yourself liable to be arrested and sent to jail.

Mrs. Mahoney.—You can not send me to jail; I am an old lady.

Chairman O'Connor.—That don't make any difference; if you are a hundred years old, you can tell the truth.

Mrs. Mahoney.—I will just tell the truth, as if I gave an oath.

Mr. Nicoll.—You must give an oath before you testify. What is your objection to giving an oath?

Mrs. Mahoney.—It is not right to give an oath.

Mr. Nicoll.—Why isn't it right to give an oath?

Mrs. Mahoney.—I never gave an oath in my life, and I don't want to give it now.

Mr. Nicoll.—What church do you belong to?

Mrs. Mahoney.—The Roman Catholic church.

Mr. Nicoll.—Is there anything in the Roman Catholic church to teach you not take an oath?

Mrs. Mahoney.—I never was asked to take an oath.

Mr. Nicoll.—I mean to say have you any conscientious scruples or religious beliefs that prevents you from taking an oath?

Senator Bradley.—You would not think it a mortal sin to take an oath and tell the truth. Is it any sin to take an oath when you tell the truth?

Mrs. Mahoney.—Yes.

Senator Bradley.—By not taking an oath you are committing a sin, by not taking the oath, as a Catholic. Do you know you

are committing a mortal sin by not taking the oath? You are leaving an impression on our minds that you are guilty, and the only way you can get clear of that is to swear to tell the truth.

Mrs. Mahoney.—I will tell the truth, but will not be sworn; I have no lies to tell.

Senator O'Connor.—Mrs. Mahoney, stand up and take the oath.

Mr. Goff.—Now, gentlemen, the taking of an oath, Mr. Chairman and gentlemen, is a very serious thing, and it ought to be surrounded by more solemnity than appears here. I would, therefore, that all here, myself included, take our seats; that you or one of the Senators deal with this witness. This thing of muddling this old lady's mind up; of course, I concede there is a purpose of Mr. Nicoll in doing it, it is manifest.

Mr. Nicoll.—I object. No. I have tried the best I know how to get this witness to be sworn.

Senator O'Connor.—Mrs. Mahoney, were you subpoenaed to attend here; did they serve a subpoena to attend here?

Mrs. Mahoney.— I can not hear.

By Chairman O'Connor:

Q. Do you hear what I say now? A. I hear your voice, but can not hear what you say.

Q. What is your name? A. Mrs. Mahoney.

Q. You seem to hear that, though? A. Yes; my name is Mrs. Mahoney.

Q. You have heard me ask the question? A. Yes.

Q. You know you are brought here to be examined as a witness to testify anything you may know, and to questions put to you? A. What is a witness for?

Q. You are here to tell what you may know about this matter? A. What am I a witness for?

Q. Before we take your examination, it will be necessary for you to swear the same as any witness? A. I am the only woman here to be examined; it is 4 o'clock, now.

Q. What do you know about 4 o'clock? A. I see the time.

Q. Do you know we adjourn at 4 o'clock? A. I don't know you adjourn at 4 o'clock.

Q. Has anybody talked to you since you were requested to come here? A. No, sir.

Q. How did you get to come here? A. I was sent for.

Q. After having been sent for, did anybody talk to you about it? A. No; they said nothing to me.

Q. Whereabouts, in New York, do you live; what place? A. I live in the Seventh ward.

Q. What number? A. Four hundred and twenty-eight.

Q. On what street? A. Water street, corner of Water and Market streets.

Q. Now, are you willing to take the oath that is required here before you are examined? A. I promise to tell the truth, but will give no oath.

Q. You know it will be necessary for you, if you refuse to be sworn here— A. I am over 70 years old, and I could not be sworn.

Q. That does not excuse you from being sworn? A. What have I to be sworn for; I have done nothing out of the way.

Q. I will tell you, if you don't come here and be sworn, and take this oath, you are liable to be punished? A. I am over 70 years old.

Q. That don't excuse you from taking an oath? A. I will excuse myself.

Chairman O'Connor.—Mr. Goff, I would simply make a complaint before a magistrate, and have this woman brought before this magistrate. We might as well meet this issue right here. We should not be balked in this way. Who served this subpoena.

Mr. Goff.—The affidavit is here.

Chairman O'Connor.—You take a certified transcript of the reporter's minutes. You make complaint before one of the magistrates here in the city of New York, and have this woman arrested and brought before them for refusing to obey this subpoena, and we are going to adjourn until next Tuesday.

Mr. Goff.—Pardon me—has the stenographer the fact of her being called here, giving her name and residence, and her refusal to be sworn?

Chairman O'Connor.—I presume he has.

The Stenographer.—I have.

Mr. Goff.—I think in order to make certain about this, it would be wise to proceed to administer the oath in the ordinary way.

Chairman O'Connor.—You refuse to take the oath and be sworn as a witness before this committee? Do you refuse to take the oath? A. I do not know what the oath is.

Chairman O'Connor.—I ask you now to stand up and take the oath? Stand up. A. I would not be arrested; I will be out in ten minutes more; I will tell the truth, and I won't give no oath; they can not lock me up, because if I am locked up they will let me out again.

Chairman O'Connor.—Mrs. Mahoney, I ask you to stand up and take the oath required of a witness?

Mrs. Mahoney.—What should I take the oath for?

Q. Do you decline to take it? **A.** What should I take the oath for?

Q. You decline to take the oath here and be sworn as a witness? **A.** I don't know what I should take the oath — what was I sent here for?

Q. Do you refuse to be sworn? **A.** I don't want to swear; I will tell the truth.

Chairman O'Connor.— That is enough. You make the necessary complaint, and we will see.

Mr. Nicoll.— Mr. Chairman, the statute says, "any person who willfully refuses to be sworn," and ought you not to —

Chairman O'Connor.— I know this class of people. She knows a great deal more than she appears to know. She is just as willful and malicious as she is cunning. I have had a good deal of experience with this class of people, and know them when I set my eyes on them. This old lady knows better, and she knows what she is here for, and does not want to tell.

Mr. Nicoll.— You know I tried to get her to take the oath. I am only suggesting to you that it would be necessary in a criminal prosecution that she "willfully" refused to take the oath, and, therefore, we ought to know whether she had any good reason to refuse.

Chairman O'Connor.— Willful refusing is with intention to refusing. She has no conscientious scruples; she has none on that question; she could not have. She says she is a Catholic. Anybody that is a Catholic knows there is no conscientious scruples against it.

Senator Bradley.— She knows if she is a Catholic it is a great sin to tell a lie if she is sworn.

Chairman O'Connor.— She knows the penalty of taking an oath and swearing falsely.

Mr. Nicoll.— I suppose the testimony must relate in some way or other to the police department.

Chairman O'Connor.— She stated before she was asked a question, she stated she had a son on the police force and never paid a cent for it.

Mr. Nicoll.— Don't you think it worth while to find out who it is, and all that. This old lady don't look as if she was the possessor of a very large fund to bribe a police commissioner.

Chairman O'Connor.— You must let these witnesses understand they can not fool the time away in this way.

Mr. Goff.— The stenographer will please make affidavits as to those minutes.

Mrs. Mahoney.— What shall I do?

Chairman O'Connor.— You will be brought up before a police magistrate within 48 hours.

Senator Bradley.—Perhaps before you are 48 hours in jail you will change your mind.

Mrs. Mahoney.—I will take the oath.

Chairman O'Connor.—Raise your right hand, Mrs. Mahoney. You solemnly swear that the testimony you will give in this examination about the police department in New York city will be the truth, and the whole truth, and nothing but the truth.

Mrs. Mahoney.—I will tell the truth as much as I can.

Chairman O'Connor.—We will have no more disturbance here; this is no laughing matter at all.

Mr. Nicoll.—That is all due to your firmness.

Julia Mahoney examined by **Mr. Goff**:

Q. What is your full name, Mrs. Mahoney? **A.** My name is Julia Mahoney.

Q. Where do you live? **A.** I gave my number before.

Q. Well, is it 51 Catherine street? **A.** Yes; I was living there, and moved out a couple of weeks ago.

Q. Where are you living now? **A.** I gave my address where I live now.

Q. Tell us again? **A.** No. 428, corner of Water and Market street.

Q. No. 428, what street is that in? **A.** Water street.

Q. And how many years have you lived in the Fourth ward? **A.** I have lived there in the Fourth ward since the year '52.

Q. Is your husband living, Mrs. Mahoney? **A.** No, sir.

Q. And with whom do you reside, yourself? **A.** My son.

Q. With your son? **A.** Yes, sir.

Q. Any other member of your family? **A.** No; that is all; I am living with my son and daughter; my son-in-law and my own son.

Q. Is this your daughter who has come with you to court? **A.** That is my daughter.

Q. And how many sons have you? **A.** I have three.

Q. Three sons; all of them in New York? **A.** Yes, sir.

Q. And what business are they in? **A.** They are in no business at all; they are laboring men.

Q. The three are laboring men? **A.** Yes.

Q. Where does the man work who lives with you; the son who lives with you, where does he work? **A.** He worked for his father when he lived.

Q. Where is he working now? **A.** He is working no place now; he is at home.

Q. Where are the other two sons working? **A.** There is one is married up town; I don't know where does he work.

Q. Where does the other one work? **A.** He is living with me.

Q. Living with you? **A.** Yes; a young fellow.

- Q. Give us the name of your eldest son? A. Jerry.
- Q. And what does Jerry do? A. He is a policeman.
- Q. And give us the name of your second eldest son? A. Denis.
- Q. What does Denis do? A. Nothing; works whenever he gets it; that is all.
- Q. Was Denis ever on the police force? A. No—I don't know I couldn't tell you that; I think he was on the police some time ago.
- Q. You think he was on the police? A. Yes.
- Q. Give me the name of your other son? A. Dan.
- Q. He is the young one? A. Yes.
- Q. He lives with you? A. Yes, sir; what do you want their names for.
- Q. Oh merely to have the pleasure of an acquaintance with your family? A. I don't want them to get into such a place as this to know anybody; I never was in it.
- Q. I know, but your son, Jerry, do you know where he is on the police, where is his station at present? Fourth ward.
- Q. In the Fourth ward? A. Yes, sir.
- Q. Do you know where the station-house is? A. I had ought to know it, I guess; I don't live far away from it.
- Q. Is that Oak street? A. Yes; that is Oak street.
- Q. Oak Street Station-House? How long has Jerry been on the police? A. Well, I am not a scholar; I did not put it down; I expect he is going on seven or eight years on it.
- Q. Seven or eight years? A. Yes, sir.
- Q. Did Denis go on the police at the same time? A. No, sir.
- Q. It was after that that Denis went on the police? A. Yes; he ain't a policeman now.
- Q. Oh, no; he used to be on the police—Denis? A. He had the grippe, and he took too many quinine pills.
- Q. Too many pills? A. Yes; whatever they are; and the captain said he was drinking, and he never drank in his life.
- Q. The captain was wrong, was he, in that? A. Yes; he must have been drunk himself.
- Q. Your son was dismissed because he was taking quinine pills? A. Yes; that is just what he was.
- Q. That was a great wrong; do you have any money in a savings bank? A. Yes, sir; I had a little from my late husband.
- Q. Did you have anything after you buried your husband? A. I got a headstone for him too.
- Q. And did you have your money in the bank after that? A. I had some money in the bank, and I drew all my money out.
- Q. When did you draw all your money out? A. I could not tell that exactly,—about 12 months ago.

Q. What bank had you your account in? **A.** I couldn't tell you what banks at all; I had it in the bank, and that is all.

Q. Had you your money in more than one bank? **A.** I have not; no more than one bank.

Q. Was it in the Chambers Street Bank you had your money? **A.** Yes.

Q. And you had your money there when Jerry was appointed a policeman? **A.** Yes, sir; I had my money there, the few dollars I had; I had them there.

Q. And at the time that Jerry was appointed you drew out some money, did you not? **A.** No, sir; I never drew a dollar for my son, never; he never asked me, either.

Q. I know? **A.** Well, you ought to know.

Q. At the time your son Jerry was appointed did you draw any money out of the Chambers Street Bank? **A.** I told you once I did not, and that is enough; you need not cross-examine, because I didn't do it; you are very smart, but I am just as smart as you are.

Q. Has anyone been speaking to you, Mrs. Mahoney, about coming here? **A.** I never heard anything about—I was working for myself this morning and a gentleman come this morning and told me to come up here; I don't know what in hell it was for, and did not know what I was wanted for.

Q. When he gave you the paper you told him you did not pay any money? **A.** I did nothing; the man never asked me; he did not ask me nor did not examine me, or nothing at all, but told me to come at 3 o'clock, so I was up here at 3 o'clock.

Q. But you said to him at that time, coming up, that your son had never got any money from you to get on the police? **A.** No, sir; I never did, and he never asked me, either.

Q. What made you say before anybody asked you—**A.** Because when I saw that paper they told me what it was for.

Q. Who told you what it was for? **A.** I could not tell.

Q. Who told you what this paper was for? **A.** My own child told me.

Q. Your daughter? **A.** He can read and write as well as anybody here.

Q. And on your way to this court, Mrs. Mahoney, your daughter told you it was about money being paid for the appointment of your son on the police? **A.** No; my daughter didn't tell me anything about it.

Q. Your son told you? **A.** Yes.

Q. Your policeman? **A.** No, sir; don't take me until I call; my son don't know I am here.

Q. What son was it that told you? **A.** I don't know; it was a man told me, and that is all.

- Q. Who was the man? A. I could not tell you.
- Q. Was he a stranger? A. Yes.
- Q. Did you ever see him before? A. Never.
- Q. Where was he when he told you? A. At Catherine street.
- Q. Where in Catherine street? A. In the middle of the open street; I could not tell what flag I was standing on.
- Q. Did you speak to him first; you know you are under oath?
- A. I am under oath and am telling the truth.
- Q. You know what it is to commit perjury, don't you? A. I don't know what perjury is.
- Q. Don't you know what it is to take a false oath; to swear, and not tell the truth? A. I know.
- Q. Don't you know that if you don't tell the truth— A. I am telling the truth.
- Q. You would be guilty of perjury? A. I am telling the truth.
- Q. Do you know that if you told a lie here, under oath, and if you died you would meet with punishment, wouldn't you? A. I would as soon die any day.
- Q. Do you not know that you would meet your punishment in the world hereafter? A. I hope not.
- Q. If you tell an untruth, won't you; if you tell a lie here? A. I don't know now.
- Q. Don't you know you are under oath, and if you don't tell the truth, and you should die, don't you know you would go to a place of punishment? A. Certainly.
- Q. And you also know that you would be liable to go to the State's prison, don't you? A. If I was in prison I would be out soon again.

Senator Bradley.—She has got a pull.

The Witness.—I would be in twenty-four hours.

By Mr. Goff:

- Q. You know this is quite a serious thing; you are under oath, and you, as a Catholic, you know you are bound to—
- Mr. Nicoll.—I do not think we ought to—
- The Witness.—I know I am a Catholic, and I will just stick to the one word, and you know—
- Q. Tell us about that man that told you in the street? A. I could not tell you anything about that man.
- Q. Did you meet him? A. I showed him the paper and asked him to direct me as I was never in this court before.
- Q. You showed him this paper? A. Yes, sir.
- Q. You never saw him before? A. I never did.
- Q. But your daughter was with you? A. My daughter was as blind as I was.
- Q. And you showed a strange man this paper? A. I did, certainly; I did not know who he was.

Q. Did you ask him what it was for? A. I did not; I heard it was from Albany, the police department.

Q. Something about the police department? A. Yes, sir.

Q. Did he say anything about your son? A. No; he handed it over and showed me where to come.

Q. What made you say when you were on the chair, before you was sworn, that you never paid any money? A. Because I found it out in that paper.

By Chairman O'Connor:

Q. All the contents? A. I saw it in the paper.

By Mr. Goff:

Q. You read the paper? A. I did not read the paper; I cannot read or write; I wish I could.

Q. Who read it for you? A. I will tell you who read it for me; I don't know who the man is.

Q. Have you found it out in the paper? A. I could not tell who the man was; I gave him that paper to show where I was to go to.

Q. How did you know that we were going to ask you anything about your son's appointment on the police force? A. Because the fellow told me, the man told me it was from Albany, all about the police business, he was telling it to another man.

Q. What has that to do with the payment of money for your son's appointment on the police force? A. I did not pay any money at all for getting on the police, and he didn't get it of me; he did not pay any money to get on the force, and that is all about it, now.

Q. Which boy have you referred to, which of them, Jerry or Denis? A. Jerry.

Q. How about Denis; did he pay any money? A. The father hadn't any money to pay it.

Q. The father was not living when they got on the force? A. Yes.

Q. The bank-book was in your name? A. Yes.

Q. You had the money? A. I had a few dollars and I drew it to bury my husband, but I got a decent head stone.

Q. Do you remember when your son was appointed? A. I could not tell you that, sir; I am no scholar.

Q. About seven years ago you say? A. About seven years ago.

Q. As near as you can remember? A. About seven or eight years ago; I could not tell; I won't tell a lie.

Q. Didn't you draw some money out of the bank then? A. I drew out all I had.

Q. That was before your husband died? A. I had after my husband died; I did not buy a gravestone for my husband before he died.

Q. When Jerry was appointed you drew some money out of the bank, didn't you? A. No, sir; I never did, not one 50 cent piece, I never gave my son.

Q. I didn't ask you that? A. I didn't draw any money out of the bank for him or anybody else.

Q. Did you draw any money out of the bank about the same time your son was appointed on the police force? A. No, sir.

Q. About the time your son Denis was appointed? A. No, sir; I kept it for myself to bury my husband and myself, and I have a decent place when I die, too; I would not give it to either sons or daughter if I had it.

Q. If your son wanted money to get on the police force you would help him, wouldn't you? A. No, sir; I would not; I was hard up enough myself, and had to work late and early myself, and I had a sick husband for 25 years, and I guess I couldn't have much money.

Q. You say you closed your account in the bank? A. I say I got no money in the bank.

Q. You have given up your bank-book, have you? A. I did, indeed; I am sorry I did it; I would not got out for 50 cents a day or half a day for washing; I had to give up 50 cents for my washing to come up here, and I bet you a dollar you won't give it to me either.

Q. Now you have a dollar (handing witness a dollar); you want me to give you a dollar; now, here is a dollar; I pay it out of my own pocket for an old wash-woman; you say you have lost a day coming here; I do not want you to lose it; I do not want you to lose money coming up here; now, was there anything said about your son having to give money to get on the police force? A. Not as I heard of it; I never heard my son talking about money to get on the police.

Q. Did anybody else speak to you? A. No person came to me to tell me anything about my son getting on the police, or asking me for a dollar, or 50 cents, and he never told me nothing, and he said he never paid one penny to get on the police.

Q. He said he did not have to pay one penny piece? A. Yes.

Q. When did he say that? A. Always.

Q. Did you ask him? A. Yes.

Q. When did you ask him? A. I asked him did he pay anything, and he said, no.

Q. Why did you ask him? A. Because I heard people say they might pay something to get on.

Q. You used to hear people talk that men had to pay to get on the police? A. I guess you are a lawyer, and you are too smart, and you won't get any words out of me, except what I am speaking.

Q. You will tell the truth? A. I will tell the truth; I am telling the truth.

Q. And, of course, you heard a great many people say that? A. You could hear it, too.

Q. Certainly, I have heard it; we all heard it, and you have heard it? A. I am older than you, I think.

Q. After you heard that, you asked your son if he had to pay anything to get on the police? A. Yes, sir; and he told me no, he never paid a penny, and never was asked a penny to go on the police.

Q. He was never asked for a penny? A. No, sir.

Q. Did you ask Dennis, your son, at that time? A. My son Dennis wasn't on then.

Q. Afterwards, when he went on? A. He hadn't it to give.

Q. Did you ask him whether he had to pay to get on? A. I did not ask him any questions at all; when I see the first fellow got on for nothing, he was well known to get as well as the first.

Q. As well as the eldest son? A. Yes.

Q. Wasn't you ready to put up a little money for your son if he needed, to go on the police? A. Excuse me, I was not; I had no money to spare it to give him, and if I had I would keep it for myself and my old man; I would not give him a dollar, if I had it.

Q. Don't you know you drew a little money from the bank at that time? A. No, sir; I never did.

Q. Was your son Jerry married at the time? A. He never asked me a single penny piece; I told you that before and will stick to it.

Mr. Nicoll.—Don't you think this has gone far enough?

Q. Didn't your husband ask you for money for that man? A. No, sir; nor for his own business; I would give him money to get a dinner and nothing else.

Q. Now, Mrs. Mahoney, you know that what you say is under oath? A. I am telling the truth.

Q. Will you say under oath, under your conscience, that you know that you never gave a dollar to any person, to any person, for your son to get on the police? A. I never gave a dollar out of my two hands to anybody else, out of my hands, to go on the police, to my son, and he never paid nothing to get on.

Q. To any person? A. To any person; I never did.

Q. And you did not do that for your son Dennis either? A. No, sir; to either one of them.

Q. Did you borrow any money for them to get on the police? A. No, sir; I never borrowed nothing of anybody; but I am borrowing myself, because I have no husband now.

Q. I feel sorry for you that you have to borrow. A. Thank you, sir; my sons, they never got nothing; he got on the police and didn't pay nothing for it.

Q. He is suing the police department, now, isn't he, to get back again? A. I couldn't tell that, sir; I don't recollect nothing about it; they talk among themselves, and I am deaf and can not hear them; and my hearing has improved since I came here.

Q. Your hearing has improved since you came here? A. Yes, sir.

Q. Have you heard your son Jerry talk about this Senate investigating committee? A. No, sir; I never see my son; he lives up town and don't see me at all.

Q. Have you heard your son Dennis talk about it? A. No, sir; I never heard him, either, talking about it until to-day I was telling him —

Q. You told him to-day? A. I told him to-day when I showed him the paper.

Q. Was he the man that you met in Catharine street? A. We don't live in Catharine street; he was in his own house when I showed him that.

Q. You showed your son Dennis this subpoena after you got it? A. I showed it to him because he can read.

Q. Did Dennis tell you that it was to ask you whether you know you had given him money to go on the police force? A. He didn't ask me anything at all; he told me it was about Albany.

Q. Didn't he tell you it was about the police force? A. He told me it was about the police force.

Q. Didn't he tell you it was about his paying money to get on the police? A. No, sir; he did not tell me.

Q. Did you ask him? A. No, sir.

Q. Did you talk about it? A. No, sir.

Q. Not a word about it? A. None.

Q. Didn't he ask you what they wanted you here for? A. No; but I asked him what they wanted me for.

Q. And what did he say? A. He said he did not know.

Q. He said he did not know? A. No.

Q. Did he tell you it was something about the police? A. Well, that is the fifth or sixth time.

Mr. Nicoll.—That is right.

Q. That is true; but you know an old lady like you, your memory might fail you? A. Just what I said once I will say again, and I will tell it you, and you can not catch me in a lie.

Q. I don't want to catch you in a lie, but want to get the truth from you? A. I am telling the truth.

Q. You swear under oath you never drew money out of the bank? A. Not for my children.

Q. Or for anyone else? A. No, sir; I never drew it.

Q. For the purposes of getting either of your sons on the police? A. No, sir; I never did.

Mr. Goff.—That is all.

Chairman O'Connor.—That is all. You don't want to cross-examine?

Mr. Nicoll.—No, sir; I should think not.

Chairman O'Connor.—Any other witnesses, Mr. Goff?

Mr. Goff.—Come here, madam.

Mrs. Mahoney.—I will take a glass of beer when I get out.

Mr. Goff.—Daughter (motioning to the one who accompanied the preceding witness), I want you here, please; just take the stand.

Ellen Burt.—I don't know anything about it.

Chairman O'Connor.—What is this witness' name?

Mr. Goff.—It is a daughter. What is your name?

The Witness.—Ellen Burt.

Mr. Goff.—You can be sworn sitting down.

The Witness.—I do not want to swear to anything. I just came as guardian over her, that is all.

Mr. Goff.—I only want to ask you one or two questions.

Chairman O'Connor.—Mrs. Burt, you solemnly swear that the testimony you shall give, in this police examination, shall be the truth, the whole truth, and nothing but the truth, so help you God.

Ellen Burt, sworn as a witness for the State, testified as follows:

Direct examination by Mr. Goff:

The Witness.—I do not come here as a witness or anything else.

Mr. Goff.—You are under oath now.

Q. Mrs. Burt, was you present when this subpoena was served?

Mrs. Mahoney.—(Coming towards the witness.) You don't know anything.

Q. Now, Mrs. Burt, you know you are under oath, don't you?

A. Yes, sir.

Q. You are the daughter of Mrs. Mahoney? A. Yes.

Q. Are you living with her, Mrs. Burt? A. Yes, sir; on the same floor.

Q. That is you live in a separate household? A. Yes, sir; in separate apartments.

Q. Were you with your mother when she was served with this subpoena? A. Yes, sir.

Q. Did you say anything to your mother when she was served with this subpoena? A. No, sir; I did not; a gentleman that brought us told us he did not know what it was for, and left it there.

Q. Did you see your brother Dennis shortly after that? A. No, sir; I did not, I went out for my business, out to the store after that came; after that came I went out to the store for my dinner errands.

Q. Did you see your brother Dennis talking to your mother? A. No, sir; I did not.

Q. Was he talking to your mother to your knowledge? A. No, sir; not as I seen.

Q. Did you see your brother Dennis at all in the day? A. I see him this morning.

Q. Did you see him since this paper was served? A. No, sir; I have not.

Q. When you returned from your dinner errands, did you see your brother Dennis in the house? A. No, sir.

Q. And then did you start out with your mother? A. Yes; the gentleman told us to be here at three o'clock.

Q. And no talk with Dennis since this paper was served? A. No, sir.

Q. Nor with Jerry? A. No, sir.

Q. Or with any one else? A. No, sir.

Q. Did you hear any one speak to your mother about it? A. No, sir; I have seen some gentleman talking to my mother as I was going along, but I passed on.

Q. You passed on? A. Yes.

Mr. Goff.—That is all.

Chairman O'Connor.—That is all. Any other witnesses, Mr. Goff?

Mr. Goff.—I will just inquire a moment. Officer Shea.

Patrick V. Shea, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are the officer that Mr. Webb referred to this morning, in his testimony? A. Yes, sir.

Q. You were in the employ of the American Express Company, were you? A. Yes, sir.

Q. And when did you leave that employ? A. I left it previous to my appointment on the police.

Q. How shortly before your appointment on the police? A. Well, should say within a week or two.

Q. Within a week or two? A. Yes, sir.

Q. You were receiving wages in the express company? A. I was.

Q. How much wages were you receiving? A. Fifty dollars a month.

Q. How long had you been in that company? A. I suppose, about four years steady.

Q. Are you a married man? A. No, sir; I am single.

Q. You are single? A. Yes, sir.

Q. Did you live with your parents? A. I did.

Q. Father and mother? A. Father and mother.

Q. Anyone else? A. One of my brothers; yes.

Q. And did your father work? A. No; he did not.

Q. Not at all? A. No, sir.

Q. Did your brother work? A. My brother is a policeman.

Q. Did your brother live with you? A. He did.

Q. And how long had the brother been a policeman? A. Well, as near as I can recollect, I suppose about seven years.

Q. About seven years; is he married? A. No; but he is about to be.

Q. But he was not at that time; anyway, when you were appointed? A. No, sir.

By Senator Bradley:

Q. He is not yet? A. No; he is not yet.

By Mr. Goff:

Q. And between your brother and yourself you supported your father and mother? A. Yes.

Q. You all contributed to the support of the household? A. Yes, sir.

Q. And the four of you lived there together? A. We did.

Q. Where did you live? A. Riverdale, New York city.

Q. That is up on the Hudson? A. Yes, sir; Twenty-fourth ward.

Q. You made an application to be appointed a policeman; to whom did you make the application, Mr. Shea? A. To Mr. McClave.

Q. To Mr. McClave? A. Yes, sir.

Q. Did you know Mr. McClave? A. No, sir; I had never see the gentleman before.

Q. Who advised you to make the application to Mr. McClave?
A. Well, it was my own judgment.

Q. How did you come to select Mr. McClave out from the other commissioners? A. Mr. McClave, being a man of large business, I thought he would be more acquainted with Mr. Webb than any of the other gentlemen in the board.

Q. And that was the only motive you had in selecting Mr. McClave? A. Yes, sir.

Q. You selected Mr. McClave as the commissioner to apply to before you consulted anybody else? A. What do you mean by consulting anybody else?

Q. You applied to him without consulting anybody else? A. Applied to Mr. Webb.

Q. Did you apply to Mr. McClave? A. No; no; not until I got Mr. Webb's letter of recommendation.

Q. That is what I meant? A. Yes.

Q. You went to Mr. Webb first? A. I did.

Q. Did you ask if Mr. Webb knew the commissioners? A. Yes.

Q. And which commissioner he knew? A. He said he thought he knew Mr. McClave better than any of them.

Q. It was because he said he knew Mr. McClave that you asked him for a letter to Mr. McClave? A. If he had said he knew any of the other commissioners better I would have asked him for a letter to them.

Q. It is because he said he knew Mr. McClave better that you asked the letter for him? A. Yes.

Q. You got the letter? A. I did.

Q. Did you present it to Mr. McClave in person? A. I did.

Q. Do you remember when that was? A. Well, I can not remember the exact day.

Q. As near as you can? A. I think it was sometime in November, 1892.

Q. Did you sign then a formal application for appointment?
A. I did.

Q. And you went before the surgeons, I presume? A. Yes, sir.

Q. And was appointed? A. And was appointed.

Q. And then went before the civil service commissioners? A. Yes, sir.

Q. When did you get a report or information that you were on the eligible list? A. Well, I suppose it must have been two months after the last civil service examination.

Q. When was the civil service examination; after you made your application or after you passed the surgeons? A. As near as I can remember—I wouldn't be positive.

Q. No; as near as you can? A. March was the physical examination; that was a kind of athletic examination that is held in Cooper Union; and the following April, 29th, I think, was what we call a mental examination; that was held in New York college.

Q. Those were all the examinations you passed, the physical and the mental examination; is that so? A. Yes, sir.

Q. And you passed the physical examination in April? A. In April.

Q. Of 1893? A. No; March, 1893.

Q. And the other examination in April, 1893? A. Yes.

Q. When did you get your notice that you were on the eligible list? A. I should say a couple of months after; probably three; I am not sure.

Q. Did you become impatient at any delay in getting your appointment? A. No, sir; I wasn't any way impatient; I thought from the answer that Mr. McClave had written to Mr. Webb that my appointment was a thing that was certain.

Q. It was all right? A. Which, of course, it was.

Q. Had you seen Mr. Webb frequently in the meantime? A. I had probably seen him once, about three weeks before I was appointed.

Q. Before you were appointed? A. Yes.

Q. Up to the time you saw him, the two weeks before you were appointed, had you seen him from the time you got the letter from him? A. Oh, yes.

Q. Frequently? A. No; I suppose not more than once, probably.

Q. Did you go and see him about your appointment? A. I did; about a week or two before I was appointed.

Q. I mean before that; between the time that you went to see him a week before your appointment and the time you got the letter from Commissioner McClave, did you see Mr. Webb? A. I seen him after I passed the doctors; that is about a week after he gave me the letter to Mr. McClave; he told me to come and tell him, and I told him I had passed the doctors.

Q. Did you see him then from the time you told him you had passed the doctors up to a week or two before your appointment? A. Yes, sir; I had seen him; not on any business relative to the police department, though, but on private business of my own.

Q. Were you in business relations with Mr. Webb? A. Well, I had a sort of transaction with him; I don't suppose it could be called business.

Q. What was the nature of that transaction? A. Well, I wanted to borrow some money of him.

Q. When did you borrow the money? A. I don't know exactly when I borrowed it, but I know it was—I suppose I had been appointed about a month or so after; I would not be positive on that point, however.

Q. Didn't you borrow the money a week or ten days before your appointment? A. No, sir.

Q. How long before the appointment did you borrow the money? A. I can't exactly say.

Q. You say two weeks? A. More than that.

Q. Three weeks? A. More than that.

Q. Four weeks? A. Probably four or six weeks; I would not be positive.

Q. You say around four weeks? A. Between four and six weeks.

Q. Do you remember the date of the appointment? A. I turned out for probation on the night of the 2d of October, I think, at 6 o'clock roll-call, in the Nineteenth precinct.

Q. The night of what, October? A. The 2d; I would not be positive, but that is as near as I can recollect now.

Q. And as near as you can recollect? A. Yes.

Q. That was 1893, was it? A. Yes, 1893; yes, sir.

Q. Now, this transaction you had with Mr. Webb; what was that transaction? A. That was relative to money matters that I needed.

Q. What did you need? A. I needed between \$200 and \$300.

Q. What for? A. For private use; for my own business, and they wanted some money home in the house; and being about the best friend I had, or have to-day, I thought he would help me out of a little trouble.

Q. Have you talked with anyone before coming into this court? A. No; I hadn't time to see anybody; the subpoena was served so short a time ago.

Q. Did you hear Mr. Webb's testimony in court? A. Yes, sir.

Q. You wanted this money from him for business purposes; Mr. Webb testified he gave you \$300; that was in check, wasn't it? A. I think it was in bills.

Q. Are you sure? A. Yes; as near as I can recollect, it was in bills.

Q. Three hundred dollars in bills; do you remember the denominations? A. No, sir; I do not.

Q. Now, Officer Shea, isn't it a fact Mr. Webb gave you a check on the Lincoln Bank for that amount? A. I received no check out of Mr. Webb's hands.

Q. Did anyone else give you a check by order of Mr. Webb? A. No; I received no check from anyone.

Q. Did Mr. Webb's secretary give you a check? A. No, sir; I received no check from anyone.

Q. Who gave you the money? A. I received \$300 from Mr. Webb's clerk.

Q. You asked for the money from Mr. Webb? A. I did.

Q. Did you tell Mr. Webb the nature of the business you wanted to use the money for? A. I told him I was in a little trouble and needed some money, and I said, you being a friend of mine, I thought you were about the best one to ask of.

Q. Did you tell him the nature of the trouble you were in? A. I told him about it.

Q. What did you tell him? A. I told him my expenses were a little heavy, and we needed some money in the house.

Q. How were your expenses more than for years before that? A. I was about to go on the police.

Q. What expense would that cost? A. That would cost me about \$70 in the outset for uniform.

Q. That would cost \$70 from the \$300; that would leave \$230? A. That is right.

Q. What is the necessity for the other money? A. It is absolutely necessary that I should go into my private accounts here? Chairman O'Connor.—Yes; go on.

Mr. Goff.—It is necessary you answer these questions. A. I owed my brother John \$100.

Q. You owed your brother John, the policeman, \$100; when did you borrow it from him? A. I borrowed it in different sums.

Q. When; give me some date? A. I suppose within a year or two, probably.

Q. What was the largest sum you borrowed from your brother? A. Twenty-five dollars at the time.

Q. That was four times? A. Yes.

Q. What did you do with that money? A. Well, I had—

Q. Look up at the Senators and don't look down at your shoes.

A. What did I do with the money?

Q. Yes; what did you do with the money that you got from him? A. I spent it in different ways; I went around and I had a good time.

Q. Did you ever borrow money before, before you commenced to borrow this \$100? A. Yes, sir; I was always welcome to any money.

Q. You were always borrowing from him, and yet you were getting \$50 a month from the express company? A. That is right.

Q. And borrowed from your brother all the time? A. Not all the time; four times.

Q. You owed your brother \$100? A. Yes, sir.

Q. And you borrowed that \$100 in only four \$25 transactions?
 A. I can not say \$25 at a time; it was \$100.

Q. Give us when you borrowed the first \$25 and when the balance? A. I can not give you that.

Q. As near as you can?

By Chairman O'Connor:

Q. Was not your brother John more liable to wait on you than Mr. Webb to pay your brother? (No answer.)

By Mr. Goff:

Q. Isn't it a little extraordinary you should go to Mr. Webb to pay your brother living in the same family? A. I wanted other money for other purposes besides; this was not the brother that is living with me, it was a married man.

Q. What married man? A. My brother John is a married man.

Q. He is a policeman, isn't he? A. Well, they are both policemen.

Q. Now, which of them did you borrow the money from? A. John.

Q. He does not live with you? A. No, sir; he is married.

Q. And has his own family to support? A. Yes.

Q. Living by himself? A. Yes, sir.

Q. And within a year you say you borrowed \$100 of your brother John? A. I don't say it was within a year; I will not be positive.

Q. How long had the \$100 been running? A. We will say within two years.

Q. You say it was? A. I will say within two years.

Q. Within two years you have borrowed a \$100 from time to time, from your brother John? A. Yes, sir.

Q. How long did you owe your brother John, when you went to Mr. Webb to ask a letter to Commissioner McClave? A. I owed him a \$100.

Q. You owed him a \$100 then? A. Yes, sir.

Q. Was he pressing for payment? A. No, but he told me he would like to have the money when I could get it for him.

Q. Why didn't you ask Mr. Webb for the \$100 when you went to get the letter for McClave? A. My brother did not want \$100 at that time, and I did not want it at that time, but I wanted it afterwards.

Q. You say you owed your brother John \$100 when you first went to Webb for an introduction to McClave? A. Yes, sir; that is right.

Q. Did you owe anybody else any money? A. No, sir; I did not.

Q. At that time? A. No, I did not.

Q. Why, to use the chairman's question, if you owed your brother John in 1892, when you went to Mr. Webb to get a letter of introduction from Mr. McClave, why didn't you borrow the \$100 of Webb then to pay your brother John? A. My brother John did not ask me for the money at that time.

Q. Did you borrow any money from your brother John in the meantime, from the time you made your application for the police force, until you got the money from Mr. Webb? A. I would not be positive about that; I might have, and might not.

Q. You had better be positive about it? A. How can I be positive about it.

Q. Will you swear you did owe him any more money than the \$100? A. No; I will not.

Q. Did you owe anybody else any more money than \$100? A. Did I owe anybody else?

Q. Yes. A. Not at that time.

Q. Did you owe anybody else any money during that time, the time you made the application, until you got the appointment? A. Yes, sir; I owed \$60 on my books to the American Express Company.

Q. When did you owe that? A. I owed that within a—well, I suppose within two months.

Q. What? A. Within two months previous to that appointment.

Q. How did you come to owe the express company \$60? A. I was supposed to cash up every night, and the agent—we made two payments in the month from that office to the 65 Broadway office, that is the main office, and the agent and I understand each other very well.

Q. I don't care about your understanding.

Mr. Nicoll.—Let this witness have a fair chance.

Mr. Goff.—No, he is having a fair chance.

Mr. Nicoll.—You are interrupting him all the time.

I request the witness have an opportunity to make an answer.

Chairman O'Connor.—Yes, give him an opportunity to make an answer.

Q. Go on and answer?

Mr. Goff.—Have you made your objection at the proper time to make your address?

Mr. Nicoll.—Yes; and the chairman has ruled on it.

Mr. Goff.—Sit down.

Mr. Nicoll.—Sit down.

Chairman O'Connor.—What is the question Mr. Goff?

Mr. Goff.—The question was how he came to owe the American Express Company \$60.

Chairman O'Connor.—Yes.

Mr. Goff.—And the witness was proceeding to say that he and the agent understood each other very well. I objected to his stating what he and the agent understood, and Mr. Nicoll in conformity with his irretrievable conduct and habit in making objections to witnesses at the critical point so as to give the witness a chance to take his breath, put up an objection.

Chairman O'Connor.—You can get your answer and come to the point, and he can make his objection.

Mr. Nicoll.—You were reading the newspaper and lost the thread of the question.

Chairman O'Connor.—No, Mr. Nicoll; you answer that question without any intimation from counsel.

Q. How did you owe the express company \$60? A. I was supposed to cash up every night, you understand.

Q. Let us see.

Mr. Nicoll.—Let us see. He is not directed to answer.

By Chairman O'Connor:

Q. Let us not have any interference. You were supposed to cash up as agent of the express company? A. As express driver.

Q. On express charges for parcels you delivered during the day? A. Yes, sir.

Q. And you were supposed to deliver the money every night? A. Yes, sir.

Q. And that was your duty? A. Yes.

By Mr. Goff:

Q. Well, go on. A. Well, during the day when I would be going my rounds I would have a parcel for some person that would be probably \$1, or \$1.50 charges on it, and they would say, "Let it go until you come next time, and I suppose I would not get it if they didn't have the money, and in that way I would be behind; but, of course, the money would come back to me.

Q. But towards the end of the month you got behind in your accounts? A. Yes.

Q. But you told the committee it was your duty to turn in the money you received for every parcel every night? A. Yes, sir.

Q. Well, you did not, under certain circumstances? A. No, because—

- Q. Well, at the end of the month you would be shown to be so much indebted for parcels you had delivered? A. Yes, sir.
- Q. And the agent there permitted you to do that? A. Yes, sir.
- Q. What is his name? A. John S. Algeo.
- Q. John S.— what is the name, please? A. Algeo.
- Q. Spell it, please? A. A-l-g-e-o.
- Q. And the address? A. Riverdale, New York city.
- Q. Where is the office he is employed at? A. Riverdale.
- Q. Oh, he is at Riverdale? A. Yes.
- Q. Well, at the end of the month you and the agent settled up, didn't you? A. Yes, sir.
- Q. Every month? A. Every month.
- Q. You paid in all you owed? A. All I owed.
- Q. Every month? A. Yes.
- Q. How much did you owe in the month of August, 1893? A. I don't remember.
- Q. Did you owe any? A. I may not have; I never kept no books.
- Q. Will you swear here that you did or did not owe the express company any money for the month of August, 1893? A. I would not swear.
- Q. You would not swear? A. No, sir.
- Q. Will you swear as to the month of July, 1893? A. I would not swear.
- Q. Will you swear as to the month of September, 1893? A. Yes, I will swear to September.
- Q. How much did you owe in September? A. About \$60, as near as I can recollect.
- Q. And you paid that money in September? A. Yes, sir.
- Q. How much did you owe in October, 1893? A. Eighteen hundred and ninety-three.
- Q. Yes. A. I did not owe anything.
- Q. When did you resign from the company? A. Some time in the latter part of September; very near the end.
- Q. Some time in the latter part of September? A. Yes, sir.
- Q. So when you resigned from the company in September you paid up everything as an honest man should do? A. Yes.
- Q. And you did not owe anything to the company? A. No.
- Q. When did you borrow this money from Mr. Webb? A. Well, between four and six weeks previous to my appointment.
- Q. When were you appointed? A. October 2, 1893.
- Q. Between four and six weeks? A. Yes, sir.
- Q. You didn't resign from the express company until you were pretty sure of your appointment on the police force? A. Yes.

Q. And it was after you resigned from the express company that you called to see Mr. Webb? A. No; before that.

Q. Haven't you resigned from the express company? A. Yes, sir.

Q. You called to see Mr. Webb? A. Yes.

Q. That was — in what month did you call to see Mr. Webb? A. September.

Q. In the month of September? A. Yes.

Q. Did you resign immediately after you saw Mr. Webb, or at the end of the month? A. I did not resign until I was called down to go before the doctors at the police headquarters the last time.

Q. The last time? A. Yes, sir.

Q. Then you did not resign until after you had seen Mr. Webb; is that it? A. Until after I had seen him the last time; yes, sir.

Q. But you have testified that you saw Mr. Webb a week or 10 days before your appointment? A. Yes, sir.

Q. Well, you were appointed on October 2d, and that would show you saw Mr. Webb about the middle of September or the latter part of September? A. Yes, about a week before.

Q. Now, you did not resign until the end of the month? A. Well, the end, or very near it.

Q. So that you could settle up your accounts September 30th? A. Yes.

Q. Did the indebtedness you owed the company show themselves on the book? A. Upon the company's book?

Q. Yes? A. The agent carried that account for him in his own private account.

Q. He carried it for you in your own private account? A. Yes, sir.

Q. Did he keep a book? A. What kind of a book?

Q. Any book; his private account, you say? A. I suppose he did.

Q. Did you ever see one? A. No, sir; not outside the company's book.

Q. Did you keep an account of how much you owed? A. No; I kept an account of how much I was owed.

Q. The company owed you \$50 at the end of September, didn't it? A. Yes sir.

Q. And you owed the company \$60, is that it? A. Yes.

Q. That would leave you \$10 in debt to the company, wouldn't it? A. Yes.

Q. Was that the way it was fixed up? A. That he would keep my salary?

Q. Yes? A. No; I paid him the \$60.

Q. You paid him when you got the salary? A. No; I had the money.

Q. All you had to pay him above the salary was \$10? A. Yes; but I had other uses for my salary.

Q. How did it come months before when you had no money; how did you get along? A. I was not short every month.

Q. You were more generally short during the month of September, than any preceding month? A. Yes; it was the heaviest month of the summer's business.

Q. Will it show upon the books the amount of money that you were short? A. Not on the company's books.

Q. Let us see; the company's rules required a return to be made in cash for all parcels sent out? A. Yes, sir.

Q. Does it not? A. Yes.

Q. And the agent who entered the amount, when he sends you out with the parcel, would have to enter the amount? A. Yes.

Q. And that was charged to you? A. Yes, sir.

Q. And when you brought back the amount you paid it in, you were credited with the amount? A. Yes, sir.

Q. And if you did not pay it in, it was not checked off? A. No; I suppose not; I don't know.

Q. So it appears on the company's books, the amount of money you were indebted to the company during that month? A. No; it don't appear on that company's book.

Q. Do you mean to tell this committee that that agent was guilty of a crime of allowing you to continue in the employ of the company, and not deliver the money you were supposed to collect? A. That—

Q. That that agent, Mr. Algeo, was guilty of the crime of permitting you to continue in the employ of the company without showing the amount of money you were charged with; do you mean to tell the Senators that? A. No, sir; I do not.

Q. Explain to the Senators, if you can, how it was that the agent permitted you to take parcels out and deliver them without returning the money for the express charges on those parcels? A. He made a return the 15th, and the 1st of each month.

Q. The 1st and the 15th? A. Yes, sir.

Q. How much were you indebted on the 15th of September after he made a return? A. I don't know.

Q. Were you indebted anything? A. I may have been.

Q. And will you swear you were or were not? A. I don't remember.

Q. Were you indebted anything on the 3d of September when you made your return? A. Yes, sir; I was indebted \$60.

Q. So, from the 15th of September to the 30th of September, you were indebted \$60 for a number of parcels delivered by you?

A. For everything delivered and shipped and forwarded and received.

Q. Everything you were charged to do? A. Yes, sir.

Chairman O'Connor.—How long would it take to examine this witness? I want to take the train.

Mr. Nicoll.—That is what I want to know.

Mr. Goff.—That is all right. This is an officer, and so I can get this witness.

Chairman O'Connor.—You can get him?

Mr. Goff.—Yes.

Chairman O'Connor.—If it is not important to close to-night, I want to catch a train. We want to inform every witness that has been subpoenaed that they want to be on hand promptly at half-past 10 o'clock on Tuesday morning.

Adjourned to Tuesday, May 29, 1894, at 10:30.

Proceedings of the seventeenth meeting of the committee in the city of New York Tuesday, May 29, 1894, at 10 a. m.

Present.—Senators Lexow, Saxton, Cantor, Bradley, O'Connor and Robertson.

Counsel on both sides present.

Chairman Lexow.—The committee unanimously instructed the sergeant-at-arms to take such proceedings under the Penal Code as may be advised by counsel for the willful disobedience by Gideon Granger of the subpoena of the committee and his failure to attend the hearings of the committee thereunder.

Mr. Nicoll.—Before taking up the examination of witnesses, I have some information to impart to the committee in reference to the witness Granger, which will be interesting and perhaps useful. The committee recalls the circumstances under which the witness Granger was examined. Mr. McClave was upon the witness stand about half-past 3 o'clock at the point reached in the afternoon, when counsel stated he had an important witness, who must be immediately examined, and requested the suspension of Mr. McClave's examination for that purpose. I don't know who the witness was. I presume the committee did not; but the request of counsel was granted, and the witness Granger appeared upon the stand and gave his testimony, and after he

had proceeded to a point where he made certain insinuations against Mr. McClave, an adjournment was taken and I was not permitted to examine him. I stated then to the committee that I had in my possession the means of exposing to the committee the character of this witness; and the chairman of the committee intimated to me, and has since intimated that by doing so I had alarmed the witness; but a moment's reflection will inform the committee that that was not possible. Mr. Granger knew, of course, of the existence of all the proofs against him before he went on the witness-stand. He knew he had been engaged for years in the passing of checks and that Mr. McClave had been engaged in taking them up, and that he had in his possession the evidence upon which he could commence action against him at any time.

Mr. Goff.—What point is counsel addressing himself to; is this in review?

Mr. Nicoll.—Not at all; you will see when I come to the points.

Chairman Lexow.—I would not state facts that are within the knowledge of the committee, because those are facts that are within the knowledge of ourselves.

Mr. Nicoll.—That leads up to what has transpired since the adjournment of the committee. I was going to say the witness knew all these facts, and he knew and received the forbearance of Mr. McClave of a period of years, and had enjoyed immunity for the many offenses he had committed and some that the counsel knew.

Mr. Goff.—I must object.

Mr. Nicoll.—And some of the counsel knew of the existence of these checks. I do not know that Mr. Goff did, but one of the counsel was counsel for Granger himself in the divorce proceeding.

Mr. Goff.—What is this for?

Chairman Lexow.—I will come down to the point.

Mr. Nicoll.—This comes to this point and Granger now disappears. I am not permitted to cross-examine him on this proof. When Mr. McClave comes on the stand, the committee afforded Mr. McClave an opportunity to tell the story, and he tells all the truth and shows the community the character of this witness. Now, there is one more chapter to be added apparently to this story. In addition to all the other disgraceful traits which the evidence shows this witness has manifested for years, it appears that he is now engaged, and probably will be for some time, until an end is made of him some way, in the business of blackmailing.

Chairman Lexow.—Now, Mr. Nicoll, it seems to me as though any further statement upon a question of that kind by you would

simply have the effect of further intimidating the witness and preventing him from returning here before this committee.

Mr. Nicoll.—Is it possible the committee will not permit me to state—

Chairman Lexow.—It raises an important question whether we will not have to strike out that testimony or not; and, inasmuch as you are entitled to cross-examination, I am not certain in my mind whether we would be compelled to strike out that witness from the testimony now; but we ought to have him back, and if you are going to indulge in statements against Mr. Granger's character which would have the effect of keeping him away—

Mr. Nicoll.—The committee must know of the efforts that have been taken to bring him back.

Chairman Lexow.—We are going to make a supreme effort to get him back, and when we reach Thursday or Friday it will be better to make the statement you may prepare; but in the meantime, we ought to keep the witness protected as far as we can, and any further attack on him means a further intimidation of the witness in the proceeding.

Mr. Nicoll.—I have been in communication with the counsel of the witness, who has been at my office.

Mr. Goff.—How do you know he is counsel?

Mr. Nicoll.—Here are papers here signed by Granger himself. Right here I hold them in my hand, and am about to show them to the committee. Will you permit me to do it.

Chairman Lexow.—Any communication you have from Mr. Granger is of great importance. What are they? What, will you read them?

Mr. Nicoll.—Yes; but I will tell you how they arrived in my possession. You can not very well put the cart before the horse. I want to tell you first how I got the papers, and then I will tell you what the papers are.

Chairman Lexow.—All right, Mr. Nicoll.

Mr. Nicoll.—On Friday, I think it was, a gentleman whom I have never seen before, but whose card bears the name of Stephen J. Stillwell, attorney and counsellor-at-law, Case building, Mount Vernon, N. Y., handed in to me by my boy, this card, on the back of which is written, "In the matter of Commissioner McClave. That is one of the papers." A moment or two elapsed and he came in and sat down opposite my desk, and said, "I am Mr. Stillwell."

Mr. Goff.—I object; I object. It is not decent or just for Mr. Nicoll to stand up here and go on and make a statement, evidently a prepared statement upon the facts collated; mainly

facts, as he understands. There is nothing before the committee this morning. I do not object to Mr. Nicoll going on and arguing against the propriety of keeping this testimony on record, but Mr. Stillwell is a lawyer of the State of New York. If Mr. Stillwell claimed and represented himself as counsel for Granger, Mr. Stillwell ought to be here as a witness. I do not think at this stage of the proceedings, gentlemen, we should go into this question. It is, as you suggested, Mr. Chairman, but hampering the committee in its work.

Chairman Lexow.—Will you not claim as counsel for this committee that if Mr. Stillwell, or any other lawyer of the State of New York, had undertaken to keep Mr. Granger under cover, away from the processes of this committee, in defiance of a legally-served subpoena, that Mr. Stillwell is just as much to be condemned as Mr. Granger, and that this committee should exercise their power to bring Mr. Stillwell before the bar of this committee?

Mr. Goff.—Precisely. That is the point I was going to suggest. Not only Granger may be guilty of some offense or contempt now in refusing to appear before this committee, but if it should appear that any person has endeavored to keep him away, to intimidate him or bribe him from appearing before this committee, that person is guilty of felony. We have had one case in the courts here, which I tried myself, in the Templeton case, where the person went to State's prison for three years for trying to intimidate a witness in this city; and so far as that is concerned, not only would it be a contempt of the State, but it would be a violation of law, and a felony on the part of Mr. Stillwell if he be guilty of doing any such act as may be imputed to him. I do not know, and have not met the gentleman, and have not had any conversation with him; therefore, I think it improper for Mr. Nicoll to state what conversations may have passed between him and Mr. Stillwell; nor constat, Mr. Stillwell would have no right to talk for Mr. Granger. Mr. Stillwell is a member of the bar adjacent to New York. Mr. Stillwell would not be regularly here in any manner or form; and I am sure if the committee want Mr. Stillwell, Mr. Stillwell will come here. I think the committee has heard enough about this.

Mr. Nicoll.—The committee have not got the point.

Mr. Goff.—The committee asks you to get to the point.

Chairman Lexow.—I do not see how the counsel can use his peculiar situation before this committee for the purpose, not being under oath, of making statements here that go upon the record; that are made public property through the newspaper prints. This is a pretty serious situation for all the gentlemen

interested, and I think it would be better that any facts that you may have in your possession should be communicated to the committee in executive session, or to Mr. Goff as counsel for the committee.

Mr. Nicoll.—I have communicated them all to the chairman; I have communicated them all to Mr. Goff; they know them all.

Chairman Lexow.—I think action should be taken in executive session, and not in open session. If those are all the facts that you are going to tell, I think it would be better to keep them alive until next Friday, and give this committee an opportunity to have Mr. Granger appear here. In other words, I think that we do not want to place this committee in a position where it lends itself to a possible intimidation of the witness. Let us first make every effort to get him here, and if we find others standing in the way, it will be time enough to go forward and punish them, as the laws of this State will punish them. I will communicate the fact to the committee in executive session, so, as far as you are concerned, all the facts you know, will be at their disposal. I think they are very important, and action should be taken on them. Mr. Goff, will you proceed?

Mr. Goff.—Now Mr. Shea.

John V. Shea, called to the witness stand:

Mr. Goff.—Give me delivery book. Witness Algeo under subpoena, express agent of the American Express Company, at Riverdale, produces certain books in response to a subpoena. Will Mr. Shea stand down, please?

John S. Algeo, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Nicoll.—Will the committee permit me to suggest that one witness be examined at a time. I notice in the examination of Mr. McClave, we examined eight witnesses while examining Mr. McClave.

Mr. Goff.—Those were witnesses on the identification of books, in order to harmonize the testimony. There was only one witness examined on matters outside. That was the sailor. This witness is for the purpose of identifying certain books referred to by the witness Shea. I simply want to have them put in evidence.

Q. What is your occupation, Mr. Algeo? A. As general agent for the New York Central and Hudson River Railroad, and the American Express Company.

Q. You are in the employ of both corporations? A. Yes, sir, of both.

Q. And where are you stationed in your employ? A. At Riverdale.

Q. I hand you books which you have brought to the court in response to a subpoena; will you please describe what they are, Mr. Algeo? A. Yes, sir; these are the delivery sheets; the entries are made from the way bills of the packages and merchandise, etc., received for use of the driver to obtain receipts and collect the charges thereon.

Q. Which company is it they belong to? A. The American Express Company; it has no connection with the railroad company whatever; in smaller places, like Riverdale, where there is not so much work, the agent acts as agent in both companies.

Q. Do these sheets represent each day's transactions as concluded? A. Yes.

Q. Will you allow me to look at one, please; I will keep it in order; when the men under you are charged with the delivery of packages, are they furnished with one of those sheets? A. Yes, sir; they are furnished with the sheet; the driver himself generally writes the receipts up himself and way bills himself; you know they are drivers' entries; I check against the sheets and way bills.

Q. He returns the sheet in at night? A. On the following morning.

Q. On which day he returns the sheets in? A. Yes, sir.

Q. And you received the money accounted for on those sheets? A. I do; and I settle with him.

Q. What is the book you have? A. That is the entry book; that is, the entry of way bills, similar to this.

Q. Just let me look at that, Mr. Algeo; when are the entries made in this book? A. Generally every day; it may run behind a day or two.

Q. Who makes the entries? A. I do, on some occasions, and sometimes my assistants at the station.

Q. They are made under your supervision and direction? A. Entirely.

Q. Do you compare the entries on the book made here with the entries upon the daily slips? A. No.

Q. That you have? A. No; I do not; I compare the way-bills received from the original officers that made the way-bills.

Q. Is it from the way-bills that you make these entries? A. Yes; exactly.

Q. And from the way-bills the deliver makes the entries upon the slips? A. Yes; exactly.

Q. And it is upon the strength of your book that you make your returns? A. Yes, sir.

Q. To the company? A. No; I do not even make my returns from that book; I check them from the way-bills originally, and from what we call the statement; the footings of the statement must agree with that or they do not balance; for instance, you turn over to the 15th of any month, or the 30th, and an impression is made of the copy, and it is impressed on the page of that book.

Q. And that is a copy of the statement you send to the company? A. Yes.

Q. Of the transactions had? A. Yes.

Q. Do you keep any other books in connection with your express business there? A. None whatever; there is none in the business except that, except the copy of our way-bills.

Q. Do you keep any private books of account between yourself and the agent charged with the delivery of goods? A. Nothing, but a slip on file.

Q. A slip on file? A. Yes.

Q. And have you got those slips? A. No, sir; when I settled up with him I gave him the slips.

Q. That is all I want to know. It is the rule of the company that when an agent is charged with the delivery of goods, that he collect the moneys on way-bill, from which he makes his statement, is it not? A. Yes, sir; as a general thing.

Q. That is the rule? A. Yes.

Q. And you, as the agent of the company, you are charged with the enforcement of that rule? A. I am responsible, exactly.

Q. Yes; you are charged with the enforcement of that rule, that will do, Mr. Algeo, for the present, if you leave the books here. We will not keep you long.

Chairman Lexow.— Did you want Mr. Algeo to stay here?

Mr. Goff.— Yes; I will not keep you long, Mr. Algeo.

Patrick V. Shea recalled.

Direct examination continued by Mr. Goff:

Q. What is your recorded height on your examination papers?

A. As near as I can remember it was five feet nine and a half.

Q. Have you talked with Mr. Algeo since the last day you were on the witness-stand here? A. I have spoken to him when I went to the station; I get off and get on there going home.

Q. You have talked with him about the case? A. A few words in connection with it; he said, "I heard my name is mentioned in connection with that case;" that is about all.

Q. Did you say anything to him about the books? A. No, sir.

Q. Mr. Shea, talk a little louder; you go home to your home in Riverside every night? A. No, sir; every other day.

Q. Every other day? A. Yes, sir.

Q. That is what you call your day off? A. Yes, sir.

Q. How frequently did you see Mr. Algeo since? A. I seen him Saturday afternoon and yesterday afternoon.

Q. What? A. Saturday afternoon and yesterday afternoon.

Q. You remember, Mr. Shea, when you came here on the morning saying to a person in this court room that the committee thought they had you, but you had things all right? A. No, sir; I remember saying nothing of the kind.

Q. Nothing in substance? A. No, sir.

Q. Or any place outside of this court room? A. No, sir.

Q. To any person? A. No, sir.

Q. Did you mention to any person the object of your being subpoenaed here? A. No, sir; I could not mention it, because I did not know what I was subpoenaed for.

Q. Did you say to any person after Mr. Webb's examinations that you were all right; you had things all arranged? A. No, sir; not that I remember.

Q. Can't you refresh your recollection; you will not swear you did not make such a statement, will you? A. I don't remember whether I made such a statement.

Q. You may have made it? A. I would not say I made it.

Q. You would not say you did not? A. No, sir.

By Chairman Lexow:

Q. Can't you state whether you made a statement of that kind or not? A. I don't remember; there was some remark passed outside; something about the case as I was coming in here.

Q. Do you remember stating anything to the effect that you had the thing all fixer up, or the case in such a condition that they could not get at anything, or words to that effect? A. No, sir; I do not remember saying anything of the kind.

By Mr. Goff:

Q. Do you remember any observation in reply to the remark you heard in relation to the case? A. I said something; I don't know what it was.

Q. What did you say? A. I don't remember.

Q. Who spoke to you? A. I can not tell; I don't know.

Q. What was said to you? A. Something in regard to having me in here.

Q. What did you say? A. I do not remember what reply I made.

Q. Didn't you say they thought they had you, but they were mistaken? A. No, sir; I don't remember anything of the kind.

Q. Will you swear that you did not utter those words coming into the courtroom? A. I don't remember having said them.

Q. Will you swear that you did not utter those words right coming into the courtroom the last day you were down before the committee? A. That "They thought they had me but were mistaken," was that it?

Q. Words to that effect, yes. A. I don't remember having said anything of the kind.

Q. You will not testify that you did not utter those words?
A. You say words to that effect?

Q. Or words to that effect? A. I said something about it.

Q. You may have said something like that? A. I may have said something about it.

Q. Carrying the same meaning that those words on their face carried; isn't that the fact? A. There was some remark passed about their having me in here at the door, and I might have said, "I guess not," or something like that; and those are the words I may have used.

Q. When you said you did not say a word about the case at all you are mistaken? A. I don't remember saying that.

Q. Your memory lapses? A. Yes; I do not remember it.

Q. You do not remember it, then? A. No.

Q. Has your memory been refreshed on any point since your last examination that you wish to collect in your last testimony?

A. In what way?

Q. In any way.

Senator Bradley.—Anything you want to change; any statement that you made that you want to correct.

By Mr. Goff:

Q. Any statement you made? A. There was a statement I brought in in the first part of my testimony that I brought in about uniform; I understood my uniform would cost me \$70; when I called on the tailor to make arrangement to make my uniform he told me that it was not necessary for me to pay him cash; that I would not make anything by it, and there was a rule among the men to pay so much a month; and I made arrangements to pay him in that way.

Q. So that when you told the committee that you needed \$70 and used it for the purpose of buying your uniform, you told them what was not correct? A. I do not remember telling them I used it for buying the uniform.

Q. You said you used \$70 for the purpose of buying the uniform, Mr. Shea?

Senator Saxton.—He was explaining what use he had for the money he borrowed.

Mr. Nicoll.—Explain what he borrowed the money for.

Senator Saxton.—Leaving the impression that he paid \$70 of the \$300 for his uniform, \$100 for his brother-in-law or his brother, and went on to account for this \$300 in a legitimate way.

Senator Bradley.—And \$60 for the expressman.

Senator Saxton.—And practically account for \$250 of it.

By Mr. Goff:

Q. You say you have got two brothers on the police force?
A. Yes, sir.

Q. And did you not inquire from them all the formalities to go through touching getting on the force and everything about buying any uniform? A. No, sir; I never mentioned uniform to them.

Q. Don't you recollect they told you what was necessary to be done; how it could be done? A. No, sir; they never told me.

Q. What? A. No, sir.

Q. Well, now we have it, Mr. Shea, that the \$70 that you have referencd to as needed out of the \$300 that you borrowed from Mr. Webb were not needed by you to pay for your uniform immediately? A. No, sir; that is a fact.

Q. Is there any other point in your testimony that you wish to correct? A. No, sir; I think not.

Q. Yet, when you borrowed these \$300 from Mr. Webb you borrowed them for the purpose of meeting your immediate necessities? A. Yes, sir.

Q. And one of those immediate necessities was a \$100 that you owed your brother for about two years or a year? A. Yes, sir.

Q. Now, the \$70 was not an immediate necessity? A. Well, it was; I used it.

Q. Did you pay it in one sum to the tailor? A. No, sir; I paid it for other things.

Q. Hold on a moment; you did not pay the \$70 in one sum to the tailor? A. No, sir.

Q. Who is the tailor? A. Levy.

Q. Where is his place of business? A. In Mulberry street.

Q. Have you been to see him since this examination before?
A. I have been there and got a suit of uniform.

Q. Have you been there since your examination, officer, last Friday? A. Yes, sir; I was there — let me see — on Friday.

Q. You were there on Friday? A. Yes, sir.

Q. And you talked with Levy about the uniform business, didn't you? A. Relating to this trial?

Q. You talked with him about the uniform business, your get-

ing on the police force, last Friday? A. The only uniform I talked about was the suit I was after.

Q. Did you say anything to him about the uniform you obtained from him when you first went on the police force? A. No, sir.

Q. Was there anything said between you and Levy as to the mode of payment for your uniform? A. At tha' time?

Q. Yes, last Friday? A. No, sir.

Q. How is it, then, that you have corrected your testimony in that respect; is it from conversation that you had with any person since last Friday? A. No, sir; it is not.

Q. When did you pay Levy the last money on your first uniform? A. The last was the second of last month—no, this month.

Q. You paid him by monthly installments? A. Yes, sir.

Q. What was the cost of the uniform? A. Something like \$68, I think.

Q. Has it all been paid for since? A. No, sir; not yet; I still owe him.

Q. Now we have it that you have the \$300; we first take that \$100 that you referred to? A. Yes.

Q. When did you pay your brother that \$100? A. Let me see; I paid him that \$100 in the latter part of September.

Q. Now you had \$200 left? A. Yes, sir.

Q. What did you do with the \$200? A. I paid Mr. Algeo \$60.

Q. You paid Mr. Algeo \$60? A. Yes, sir.

Q. When did you pay him the \$60? A. Around about the same time, the latter part of September—no; about some time in October, in the early part of October.

Q. Did you get a receipt from Mr. Algeo? A. No, sir.

Q. Did you say that you were indebted to Mr. Algeo or to the company when you paid that \$60? A. No, sir; I was indebted to Mr. Algeo.

Q. Well, to Mr. Algeo? A. Yes, sir.

Q. And that indebtedness was not for money borrowed from Mr. Algeo? A. No, sir.

Q. And that indebtedness was paid to Mr. Algeo about the end of September, wasn't it? A. About the end of September or early in October; I would not be positive.

Q. You were appointed about October 2d; that is the first night you turned out? A. Yes, sir.

Q. And do you remember you paid him before you turned out on police duty? A. I may have paid him that day I turned out; I was home.

Q. The day you turned out? A. Yes.

Q. And that included all moneys that you were supposed to have collected for the latter part of September? A. No; no; I collected more money than that.

Q. You stated on your last examination that a settlement was made the first and 15th of this month? A. Yes, sir.

Q. A settlement was made on the 15th of September; you have so sworn? A. Yes, sir.

Q. And you were all clear on the 15th of September? A. Yes.

Q. So any indebtedness that you had at the end of September must have occurred between the 15th of September and the 30th of September? A. That is right.

Q. That is what I mean; now, that \$60 that you paid to Mr. Algeo; did you get any of that money at all? A. I got some of it; yes, sir.

Q. How much? A. Oh, I couldn't tell; I was paid probably 25 cents or 50 cents, or a dollar at a time.

Q. Weren't you paid during the latter part of the month of September these various sums? A. Yes, sir; I was paid some of it.

Q. Wasn't you paid by every person to whom you delivered the package the charges of that package? A. Yes.

Q. And you received the \$60 yourself that you claimed you paid to Algeo? A. Yes, sir; I did not receive all of it; I received some of it after I was appointed on the police.

Q. You have received every cent of it, haven't you? A. I suppose pretty near, anyhow.

Q. Will you name one consignee of a parcel that has not paid the charges on the parcel? A. No, sir; I can not do it.

Q. Will you name one consignee of a parcel that owes you for that parcel on the 1st of October, or the 2d of October, when you were appointed on the police force? A. Yes; I can name a couple.

Q. Well, give me the names? A. Miss Combes owes me some money.

Q. Give me Miss Combes residence? A. Riverdale.

Q. Miss Combes, Riverdale; is she a lady in private life, or in business? A. She is in business now.

Q. What is the business? A. Hotel and boarding-house.

Q. What is the name of the hotel? A. The Chestnuts.

Q. The Chestnuts; in Riverdale; and how much did Miss Combes—is it Miss or Mrs? A. Miss.

Q. Is she the proprietress? A. Yes, sir; she runs the place.

Q. How much money did Miss Combes owe you? A. I can not remember; somewheres around \$10 or \$11.

Q. For packages delivered? A. Yes.

Q. During that month? A. Yes.

Q. When did Miss Combes pay you? A. I don't remember the date.

Q. Did she pay you at all? A. Did she pay me?

Q. Yes? A. Oh, yes; she paid me.

Q. Will you name another person who owed you for packages delivered between September 15th and October 1st; will you name me somebody else? A. I do not remember; probably Mr. Algeo would; he collected some money for me.

Q. I am asking you? A. I don't remember others, but I know there were others, but I don't remember them.

Q. How many parcels did you deliver to Miss Combes that aggregated the sum of \$11 that you have stated? A. I don't know, sir.

Q. Was it one? A. I ran a monthly account with her.

Q. Was it one or two parcels? A. It was more than that, sir.

Q. Give us the number? A. I can not do it.

Q. How many parcels did you deliver to her? A. In September?

Q. From the 15th of September to the 1st of October? A. I think so; I am not positive.

Q. Now, you ought to know; you have sworn here that all the money you owed Mr. Algeo accrued from the 15th of September to the 1st of October; now you say you delivered packages to a Miss Combes in between those dates for which she owed you \$11 or thereabouts; I ask you now if you can swear you delivered any packages to her within those dates? A. I delivered packages during the month of September.

Q. I am asking you within the 15th of September and the 1st of October? A. I do not remember.

Q. Will you swear you did or you did not? A. I will not swear.

Q. You will not swear? A. No, sir.

By Chairman Lexow:

Q. Do you mean by that you can not remember? A. Yes; I never bothered about it since.

Q. You can not remember at all; it made no impression on you at the time? A. It did at the time.

Q. No impression of remembrance? A. No, sir; I don't remember anything about it; I suppose if I thought I had to undergo this examination I would have remembered it.

By Senator Bradley:

Q. Do you keep a memorandum book? A. Yes, sir; I keep a small memorandum.

Q. Would that refresh your mind; would that refresh your recollection? A. If I had it; I destroyed it.

Q. Were you accustomed to keep memoranda? A. No, sir; I did keep a kind of memorandum when I was on the wagon, but half the time I did not mark down and take charges.

Q. You did not keep a diary or anything else like that? A. No, sir.

Q. How did you pay this \$100 to your brother, by check, or bills, or in what way? A. In bills.

Q. Where? A. Up home.

Q. At your house? A. Yes, sir.

Q. Had he demanded it from you? A. Well, he had not demanded it but he came to me and told me he was in need of money and if I could give it to get it for him, and I done so.

Q. Did you know he was at that time in actual need of the money? A. I thought he was or would not have said so.

Q. What difference was there between his financial condition then and the two years that had intervened between the time you borrowed it? A. I can not tell.

Q. Was he any poorer then? A. He may have had bills to meet.

Q. Had he lost any money? A. He was a married man; I do not know anything about his household affairs.

Q. Well, he simply told you he needed the money? A. Yes, sir; he asked me for it, and when I wanted the money he went and got it, and I thought it was no more than right I should do the same by him.

Q. Did he give you a receipt for it? A. No, sir.

Q. Had you given him an acknowledgment of indebtedness? A. No, sir; just merely asked him for the money, and he gave it to me.

Q. How had he loaned you the money, in bills? A. Yes, in sums.

Q. In small sums from time to time? A. Yes, sir; \$25 and probably less; I don't know exactly the amount; it was probably running two years.

By Mr. Goff:

Q. Can you name any other persons to whom you delivered packages, who did not pay you during that period of time from the 15th of September to the 1st of October? A. There was plenty of people who did not pay me, if I could remember.

Q. You were giving out parcels from the company that employed you, and were not receiving the money on delivery; it is very important that you should be able to state now how it is that you were indebted to the station agent for the goods

you did not receive the money for? A. Well, I can not remember.

Q. You can not remember any more except Miss Combes? A. No, sir.

Q. I hand you these delivery slips, identified by the agent, Mr. Algeo, and ask you to point out to the committee the number of packages you received for delivery to Miss Combes between the 15th of September and the 1st of October, and the amount of charges upon each package? A. I ran a monthly account with Miss Combes.

Q. Now please do as I ask you? A. (Witness examines slips.) Well, I find several there.

Q. How many? A. I did not count the number; did you want me to count them?

Q. I asked you to give us the names, or the dates and amounts of the packages that you gave to Miss Combes? A. I will have to go over them again.

Q. I could have pointed them out to you, officer, but I would rather you would find them yourself.

Mr. Nicoll.—Don't you think it would hasten things a good deal by pointing them out, if they are there?

Mr. Goff.—There are some few there. I do not wish to do it. I would rather have the witness.

Chairman Lexow.—How much did they aggregate?

Mr. Goff.—About \$4; 45 cents less than \$4.

Q. There are three parcels there, officer. A. There are others here.

Q. Now please wait a while; you have the slip there; I had better get the amounts; if you wish to take time we will have the examination; I would rather you did yourself.

Mr. Nicoll.—He says there are others there.

By the Chairman:

Q. If you say counsel is mistaken, point out the number? A. There are others, but not in Miss Combes' name, that were charged on Miss Combes' account.

By Mr. Goff:

Q. That is another question. What we want to get at is the number of packages charged to Miss Combes, and the amounts for those packages, officer? A. Yes, sir; I will take your word for whatever you count out there.

By Chairman Lexow:

Q. Is it not a fact that all this money was returned to the

witness within a few days practically after he met the expense, or the presumption is he got the money back.

Mr. Goff.—That is what I want to get at.

Chairman Lexow.—Why should we delay the work of the committee by going into those details. Substantially there is only one sum of money accounted for out of the \$300, and that is the \$100 he paid his brother; that is as I understand it now.

Mr. Nicoll.—He paid the \$60 to Mr. Alego.

Chairman Lexow.—And it came back again. He paid it out to Mr. Alego, and it came right back again, didn't it; you said that?

The Witness.—Yes, sir.

Senator Bradley.—He got it all back.

Chairman Lexow.—He says he can not specify a single item that was not returned to him within a short time after he made the original expense.

By Mr. Nicoll:

Q. How long; at the end of September?

Senator Bradley.—In the early part of October.

By Chairman Lexow:

Q. Isn't that right? A. Some time in that month, but I did not receive it altogether.

Chairman Lexow.—Therefore we come to the one item of \$100, and I wish that counsel would confine himself to the further examination on that point.

Mr. Nicoll.—That was after he paid Alego that the money came back; within a few days.

By Mr. Goff:

Q. I find, officer, a parcel directed to M. Combes; I presume that is the name you have reference to? A. Yes, sir.

Q. On which are \$2.95; there is a receipt here which shows the parcel was received by Miss Combes? A. Yes, sir.

Q. There are two other parcels later on, and each for 35 cents; that is my examination? A. Yes, sir.

Q. So that would be \$3.65; that is all I find in this book; now, if you can find any others—there are two parcels to Miss Combes without any charges whatever? A. Yes; that is prepaid.

Q. I want to deal with you fairly; it is my duty to do so; see this book shows, officer, that the amount of charges you have against Miss Combes during the period you are testifying is \$3.65? A. Yes, sir.

Q. And that money you received afterwards from Miss Combes?

A. Yes; and more with it.

Senator O'Connor.—Don't you think you could take less time. We are satisfied he is not telling the truth of that money. I think anybody that has had experience in the law knows he is not telling the truth, but you can not get him to admit it.

Senator Bradley.—There is too much mental reservation here.

Mr. Goff.—I want the witness to go on and demonstrate the unreliability to be placed on his testimony.

Senator O'Connor.—I think that was shown long ago. Why not confine your examination to this \$100. He will not confess what you want.

Mr. Goff.—My duty was to show you the substantial truth of the unreliability of this witness' testimony from his own lips.

Q. You said you received that \$60 back; will you account for any other portion of the \$300 except the \$100 you paid your brother? A. Yes, sir.

Q. Tell us? A. It cost me in the neighborhood of \$20 for bedding.

Q. To whom did you pay that, and when? A. I paid some, I think something like \$13 to Cowperthwaite.

Q. There is a \$130. A. Thirteen dollars I said; and there was sheets.

Q. Twenty dollars in the aggregate? A. Yes; \$20.

Q. And what else? A. About \$20 for board and railroad expenses while I was on probation.

Q. Twenty dollars for board and railroad expenses while on probation? A. Yes; \$21 for revolver.

Q. Fifty-two dollars? A. And \$6 for equipments, such as baton and that like.

Q. Say \$60; go on? A. And \$6 for rubbers.

Q. Sixty-six dollars? A. And a pair of patrol shoes I paid \$3 for.

Q. Seventy-four dollars; now we have got to \$174; anything else? A. There were a number of other small things.

Q. You have given us a lot of small things? A. Nippers.

Q. How much in the aggregate? A. I think they cost \$1.

Q. That would be \$175? A. Yes.

Q. Anything else? A. That is about all I can remember.

Q. What did you do with the balance? A. I had something like \$70 left, I think.

Q. That would leave \$175 to you according to your own statement; what did you do with that?

Mr. Nicoll.—No; he paid \$60 to Algeo.

A. I did not receive it back then.

Q. Will you swear you did not pay anything to any person in consideration of your appointment? A. Yes, sir.

Q. And if you had to pay anything you would not give it away, would you? A. If I had to pay—?

Q. Yes? A. If I was foolish enough to pay \$300 to go on the police—

Q. If you paid—

Mr. Nicoll.—Let him give his answer.

By Chairman Lexow:

Q. What did you say, witness?

Mr. Goff.—He knows what I asked.

Mr. Nicoll.—He said, "If I was foolish enough to go on the force"—

The Witness.—If I was foolish enough to pay \$300 to get on the police, I would not be foolish enough to tell anybody.

Chairman Lexow.—Is that all, Mr. Goff?

Mr. Goff.—Yes—one moment.

By Chairman Lexow:

Q. Witness, you understand you are under oath, don't you? A. Yes, sir.

Q. You understand that the oath you have taken here is just as binding as any oath taken in any court of law? A. I do, sir.

Q. You understand if you tell anything that is not true that you perjure yourself? A. Yes, sir.

Q. And do you understand the penalties of perjury? A. Yes; it is felony, I believe.

Q. Did you make your last statement with a full conception of the penalties of perjury? A. Yes, sir.

Q. That is, if you had been foolish enough to pay \$300 for an appointment, you would not be foolish enough to tell about it? A. Yes, sir.

Q. Do you mean by that, if you had been foolish enough to make a payment of that kind, that you would go on the stand here and deny it? A. Well—

Q. Do you mean to make that statement? A. That I would be foolish—

Q. That if you had paid \$300 for an appointment you would go on the stand here and deny it? A. Deny I paid it?

Q. Yes? A. No, sir; I don't think I would.

Q. You don't think you would? A. No, sir; I am positive I would not.

Q. Aren't you positive on a question of that kind? A. Yes, sir.

By Senator Bradley:

Q. You admitted a few moments ago, you admitted that fact that you would not be foolish enough to give it away? A. Well—

By Mr. Goff:

Q. Do you know, officer, that even if you paid \$300 and acknowledged it, that your life would be made miserable among your fellow policemen? A. I don't know that.

Q. Haven't you heard it spoken of in the station; haven't you? A. The only time I ever heard it spoken of was when it came out in the World some time ago.

Q. And you have heard it spoken of since you have been on the stand here, among your fellow policemen; haven't you? A. Well, they might have passed a few remarks about it.

Q. Haven't you heard it spoken of in the station house—was it not? A. It was.

Q. And wasn't it said there that any policeman that would "squeal" should not be allowed to live on the force? A. No, sir.

Q. Don't you know that policemen are bound to stand by each other in the investigation of the Senate Committee? A. I do not know that there is anything binding on it.

Q. Is it not the understanding that the policemen must stand up to the rack? A. No, sir.

Chairman Lexow.—I do not think the committee understands that every one would go on the stand and perjure themselves.

Mr. Goff.—No, sir; there are decent men on the police force in this city.

Chairman Lexow.—Haven't we got through with the witness?

Mr. Goff.—Yes; I think the committee has got through with this witness.

Senator O'Connor.—These men, if they do not pay the commissioners, they pay people that are supposed to have influence. Get at some of those fellows; they are the men to get at.

Mr. Nicoll.—One moment, sir.

Senator O'Connor.—I would like to get at some of those fellows that are supposed to get a living by their police influence.

Cross-examination by Mr. Nicoll:

Q. Officer, Shea, you have heard the observations which different members of the committee made upon you in the course of your testimony, didn't you? A. Yes, sir; I did.

Q. You have heard what Senator O'Connor said and about Senator Bradley said? A. Yes, sir.

Q. You heard it all? A. Yes, sir; I heard it all.

Q. Now, I want to ask you whether or not you paid of that sum of \$300 which you borrowed from Mr. Webb to any person whatever for the purpose of getting on the police force? A. No, sir; I did not.

Q. And notwithstanding the criticisms that have been made upon you, do you repeat that statement? A. Yes, sir; I repeat it that I did not pay one dollar to anybody to have me appointed on the police.

Q. Now, as I understand it, you paid \$100 to your brother because he was pressing and asking you to repay the money you had borrowed? A. Yes, sir.

Q. And you paid \$60 to Mr. Albro? A. To Mr. Algeo; yes, sir.

Q. Which you got back in part, with the exception of some small amounts, afterwards? A. Yes, sir.

Q. You paid \$75, according to the additions of Mr. Goff, for those various properties which you have stated there? A. Yes, sir.

Q. Which made \$235? A. Yes, sir.

Q. Leaving a balance of \$65? A. Yes, sir.

Q. And didn't you pay something on account of your uniform? A. Yes, sir; I paid \$5.

Q. On account? A. Yes.

Q. And how often a month did you have to pay on account? A. The first of each month.

Q. The first of each month? A. Yes.

Q. And you had several months to pay on account of your uniform? A. Yes, sir.

Q. When you borrowed the money of Mr. Webb you believed you had to pay \$70? A. Yes, sir; I was positive I had.

Q. It would not have been necessary to have borrowed the entire amount?

Senator O'Connor.—I would suggest you do not suggest to the witness the kind of answers he makes. You asked him if, when he borrowed the \$300, he thought it necessary to borrow that. I think it is the most obnoxious kind of leading question to ask your own witness.

Mr. Nicoll.—This is supposed to be cross-examination.

Senator O'Connor.—No; these are not adverse witnesses. You do not think this man is an adverse witness to the police department?

Mr. Nicoll.—I think this man makes the impression that he is a very truthful witness.

Senator O'Connor.—It shows only how differently people are impressed.

Mr. Nicoll.— Yes; it shows how different people are impressed, when their objects are different. Where did we leave off.

Q. What did you suppose as to the necessity of paying \$70 when you borrowed \$300 of Mr. Webb? A. How is that?

Q. What did you suppose as to the necessity of making payment to Levy?

Chairman Lexow.— We had all that. He said he supposed he would have to pay for his uniform.

The Witness.— I supposed I would have to pay \$70.

Q. That would make up the entire \$300?

Chairman Lexow.— We can figure that out, Mr. Nicoll.

Q. The rest of this money I suppose you had in your pocket and spent for current expenses? A. Yes, sir; according as I needed.

Q. And you can not recollect details of \$5, or \$2 or \$3? A. No, sir.

Q. At this time? A. No, sir.

Senator Bradley.— He testified last week he went around and had a good time.

Mr. Nicoll.— I don't know how much it cost, but I always understood that was expensive.

Senator Bradley.— You understand it is.

By Senator O'Connor:

Q. I noticed this witness paid \$16.50, according to Mr. Goff's question; I want to ask this witness a question; Mr. Goff asked this, speaking of the uniform, "What would that cost? A. That would cost me about \$70 at the outset for uniform. Q. That would take \$70 from the \$300 and that would leave \$230? A. That is right." Didn't you intend to give the impression to the committee at that time you paid \$70 for your uniform? A. No, sir; it was my intention to say what I borrowed the \$300 for.

Q. What did you understand; did you say "that is right;" did you not intend to give us the impression you had only \$230 left? A. No, sir; that was not my intention.

By Chairman Lexow:

Q. In what sums did you borrow this money that you have spoken of of your brother?

Mr. Nicoll.— He went over that and said \$25.

Q. At a time? A. Yes, sir.

Q. Just four installments of \$25 each? A. No; I could not remember the exact amount.

Q. Did you borrow any smaller amount than \$25? A. I may have borrowed smaller sums.

Q. When did you fix between your brother and yourself the sum as being \$100 you owed him? A. Probably he has a better memory than I have; he can testify to it.

Q. He fixed the sum? A. Yes, sir.

Q. When did he tell you you owed him \$100? A. In August of that year.

Q. When had you received the last amount of \$100? A. Sometime in the spring.

Q. In the same year? A. Yes, sir.

By Senator Bradley:

Q. Have you any corrections to make or any other statement to make in regard to the money you received of Mr. Webb; you testified under oath you received it in bills from Mr. Webb? A. Yes, sir; from Mr. Webb's clerk.

Q. Have you it right in your mind that you had that in bills? A. Yes, sir; from Mr. Webb's clerk.

By Mr. Goff:

Q. Didn't Mr. Webb's secretary have the check cashed for you? A. Mr. Webb's clerk accompanied me to the bank and said, "This is the man," and I received \$300.

By Senator Bradley:

Q. Then you received a check? A. I did not receive a check from Mr. Webb's hands or anybody else's.

By Mr. Goff:

Q. Do you dodge that question; you say you never received a check from Mr. Webb's hands? A. Yes, sir.

Q. Wasn't there a check made out by Mr. Webb to your order? A. That may have been.

Q. Don't you know it? A. No, sir.

Q. Didn't you write on the back of the check in the bank? A. No, sir; I wrote on some kind of a slip in Webb's office.

Q. And you accompanied Mr. Webb's secretary to the Lincoln Bank? A. Yes, sir.

Q. And you got the money there? A. Yes.

Q. Mr. Webb's secretary stating you were the man to whom the check was payable? A. Yes.

Q. And you got the money there? A. Yes, sir.

Q. Didn't you indorse a check? A. I can not tell whether it was a check, or draft, or order, or what it was.

By Mr. Nicoll:

Q. Do you keep any bank account? A. No, sir.

Q. Or did you at that time? A. No, sir.

Chairman Lexow.—Is that all, Mr. Goff? There is no use wasting time over a matter of such insignificance.

By Mr. Goff:

Q. Continuing in the line of your question, page 1656 you testified: "Q. What was the largest sum you borrowed from your brother? A. Twenty-five dollars at the time. Q. That was four times? A. Yes."

By Chairman Lexow:

Q. Is that true, or is your answer to me true, that you borrowed \$25 at a time, and sometimes smaller sums? A. I remember saying I would not be positive of the amount.

Q. Can you remember anything about it at all now? A. I remember saying something about \$25; I know I borrowed \$25 at least.

Q. Have you any present recollection of the amount borrowed of your brother, and the times you borrowed them? A. No, sir; only I know I paid them within a year and a half or two years.

Mr. Goff.—Now are you ready to resume your cross-examination of Mr. McClave.

Mr. Nicoll.—I went over McClave's testimony since last Saturday, since the last adjournment, and I made up my mind I had nothing further to examine him on. I saw him last night at his house, and I went over the testimony, and I said, "It seems to me you have told all you can tell about. Granger is the only thing that amounts to anything, and if you have that all out and if Mr. Goff wants you I will telephone to you."

Mr. Goff.—You had better at recess.

Chairman Lexow.—Have you any other witnesses now.

Mr. Goff.—I counted on McClave as soon as we got through the witnesses here.

John Roth, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You understand English? A. Not so very well, but I understand.

Q. Well, if you don't understand, you tell me? A. I understand so far as my business affairs, but not everything, but I have business.

Q. We will try to do our best to get along with you; what is

your business? A. My business is importer of wine, and keep lager beer.

Q. Wine and lager beer? A. Yes, sir.

Q. Where is your place of business? A. Place of business is 15 Delancey street.

Q. In this city? A. In the city of New York.

Q. How long have you been there? A. I have been there the next November 10 years.

Q. November 10 years? A. Yes, sir.

Q. You have been down here to this court one day last week, haven't you? A. Yes.

Q. And you remember the name of the policeman that went into your house when you returned from court here? A. No.

Q. At night? A. No.

Q. Didn't you see any policeman? A. No.

Q. Did you know any policemen were in your house? A. There was a good many come to my house; but I don't — any particularly.

Q. Don't you know a policeman by the name of Regan? A. Regan?

Q. Regan? A. No.

Q. Now think, Mr. Roth. A. Regan; no.

Q. Don't you know there were three policemen in your place last Thursday night when you left this court-room in the evening? A. My dear sir, I don't remember that.

Q. You can not remember? A. No; I tell you, Mr. Goff, that is too many officers coming in, not in uniform, in civilian dress.

Q. You mean those two men went into your house in uniform? A. No.

Q. Didn't three policemen go in in civilian clothes, one after the other? A. I don't know; I have so many other customers; I have many customers, Mr. Goff.

Q. I am glad to hear it, Mr. Roth; I hope you will have many more. A. Yes; I hope so.

Q. Did you have any talk with any men about being subpoenaed here, Mr. Roth? A. No.

Q. Did not say a word? A. No, sir.

Q. Didn't you tell any one that you had been subpoenaed before the Senate Investigating Committee? A. No, sir.

Q. Are you sure about that? A. Yes, sir.

Q. Have you ever had any trouble with the police about the excise law? A. Well, I was arrested once; I have got to say the truth, that is all — a couple of years ago.

Q. That is all the trouble you ever had? A. That is all the trouble I got; that is all I had.

Q. Have you got a nephew by the name of Frank Newman?
A. Frank Newman; yes.

Q. Do you keep a bank account? A. I keep a bank account; yes, sir.

Q. Is it a saving's bank account or a deposit bank? A. No; it is a deposit bank.

Q. What bank? A. It is the Germania Bank, in the Bowery.

Q. And you have that account here now? A. Yes, sir.

Q. Will you tell the committee when you drew out that \$300 from the bank for Frank Newman? A. Which?

Objected to.

Chairman Lexow.—Ask him whether he drew out \$300 for Frank Newman.

Q. I am asking him. Did you draw out \$300 for Frank Newman? A. No, sir.

Q. Did you ever lend him any money? A. No, sir; not five cents, because I did not like him.

Q. Did you ever lend his father any? A. Him?

Q. Yes. A. He is richer than myself; I have a store, and he has a house; I don't know how much myself he has got.

Q. Do you remember when Frank Newman was appointed on the police? A. Well, Mr. Goff, I am not sure; maybe three years; I don't know; I am not sure.

Q. Is he on the police now? A. Yes, so far as I know; it is very seldom I seen him.

Q. Have you anything to do with aiding him to get on the force, helping him? A. No.

Q. Did you ever say to any person that you helped him with money? A. No, sir; because I am sure I never stuck to him; you know, I did not like him; that is the reason.

Q. You don't like him? A. No.

Q. Or like his father? A. His father is my brother-in-law, but at the same time I do not care for him.

Q. Don't you remember his father kept a house opposite to your place? A. A house?

Q. Yes; in Delancey street? A. Maybe he kept a house; I don't know; he was going in and out; I don't know whether he kept the house himself, or anybody else.

Q. There was a house across the way? A. Yes; there is some horse there; yes.

Q. Don't you know that Newman kept the house—this policeman's father? A. I heard many times he kept a house, but I never was in the house.

Q. That is, a house of prostitution? A. I don't know; I never was in it.

Q. You heard of that in the neighborhood? A. The neighborhood—I got to do my own business, and I am very glad to get customers.

By Chairman Lexow:

Q. Don't you know that was a house of ill-fame or prostitution there? A. Mr. Senator, I——

Q. Don't you know that? A. There is people going in and coming out; and I don't——

Q. Don't you know there was one there? A. I never go in the house like that.

Q. Don't you think there was one? A. I don't know; I am told if that——

By Senator Bradley:

Q. You are not in that line of business? A. No.

By Mr. Goff:

Q. Don't you know that at the time that Frank Newman was appointed on the police force that his father ran the house at 14 Delancey street? A. Mr. Goff, I am sure I will tell you the truth, I never asked him about the business.

Q. I know? A. So I heard that once Frank Newman was appointed officer; I did not give him a cent; and I don't know where he got the money.

By Chairman Lexow:

Q. Do you know that he did get money? A. No, sir.

Q. Did you hear that he got money? A. Oh, me?

Q. Yes? A. He used to be a cigarmaker, and spent all his money, and sometimes so and so.

Q. Did you hear he got any money to pay for appointment on the police force? A. I never heard about that; I never asked him how he got appointed; when he came around he said only "I am appointed for the force;" I told him I felt sorry for him; that is all; there is nothing else to say.

By Senator Bradley:

Q. He did not answer your last question; you asked him if he knew if that was a house of ill-fame? A. I am not sure; not; I never was there.

Q. And you heard no rumor around the neighborhood? A. There is coffee-houses and houses——

Objected to by Mr. Nicoll.

Mr. Goff.—Any rumor is always good evidence.

By Mr. Goff:

Q. I will ask the question again; it is suggested by Senator Bradley; at the time of Frank Newman's appointment to the

police force didn't you know it was common talk around the neighborhood that the house in which his father and himself lived at 14 Delancey street was a house of ill-fame; don't you know that fact? A. No; Mr. Goff, I never.

Q. Did you ever hear it? A. No; that man was married twice or three times; he has got so many children, and so I don't know. (Gesticulating with both arms.)

John Hogan, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Did you kiss the book, Mr. Hogan? A. Yes.

Q. Do you recognize the solemnity of the oath you have taken? A. I do; yes, sir.

Q. What is your business? A. A butcher.

Q. And where do you carry on business? A. Thirty-eight Christie.

Q. Christie street? A. Yes, sir.

Q. How long have you been in business? A. Since 1854.

Q. In about the same place? A. In the same street; on the same block.

Q. You have a family? A. I have.

Q. Have you a son on the police? A. Yes, sir.

Q. Now, did you pay any money to any person at the time of the appointment of your son? A. I did not, sir.

Q. Have you a bank account? A. Well, not now; I have got a small sum in the bank, a business bank.

Q. Did you have a bank account at the time of your son's appointment? A. No, sir; I did not.

Q. Neither a deposit bank account nor a savings bank account? A. No, sir.

Q. Have you more than one son on the force? A. I have only one son, one child living; we have had eight in the family and there is only one living.

Q. Only one living, and he is on the force? A. Yes.

Q. What is his name? A. Lawrence A. Hogan.

Q. What precinct is he attached to? A. He is in the Eleventh now.

Q. Now, you swear that you never paid or delivered to any person any money at about the time of your son's appointment to the police? A. No, sir; I did not.

Q. Have you seen any person since you have been subpoenaed to come to this investigating committee about this matter? A. Yes; I have.

Q. Have you talked with any person about the matter? A. I have talked with them that I thought it was a very singular

thing I should be brought on this case; that is about all I said about it.

Q. To whom did you talk? A. To a couple of customers who came in the shop.

Q. Did you apprehend what you was going to be questioned on? A. No; I did not.

Q. So this is the first time you ever heard the report that money had been paid to any person at the time of your son's appointment? A. Yes, sir.

Q. Did your wife pay any money? A. Not that I know of.

Q. Had she a bank account at the time? A. No, sir.

Q. Neither bank or deposit account? A. No, sir.

Q. If she had paid any money would you have known it? A. I think I would.

Q. Has there ever been anything said about it in the family? A. What is that, sir.

Q. Has there anything been said about money being paid in the family? A. No, sir.

Q. Did you borrow any money from any person at that time? A. No, sir; I did not.

Q. Did your son borrow any money? A. I could not answer that question.

Q. I ask you if you know? A. I don't know.

Q. Did you pay any person any debts after your son was appointed on the police force? A. Debts of what, sir?

Q. For anything? A. Yes; I paid debts for meat.

Q. When was your son appointed? A. I guess he is about two years and a half on the force now; I am not positive.

Q. As near as you can recollect? A. Yes, sir.

Q. Do you know how long it took your son to get on the force from the time he made his first application? A. I think it took him over a year.

Q. Has your son been talking to you since the appointment of this committee about the Senate committee? A. He has been talking to me as far as he wanted to know what I was summoned for; I told him I did not know; I could not say.

Q. Did he live with you? A. He lived in my house; he don't live with me.

Q. Is he married? A. Yes; he is a married man; he has three children; that is, he had three, and two living now.

Q. Did he ask you if you had been subpoenaed? A. I told him I was; he did not know anything about it until I told him.

Q. You have heard some testimony here about persons paying \$300 to get on the police force? A. Only what I heard to-day.

Q. Do you read the newspapers? A. I was here last week, but the court adjourned.

Q. Did you read the newspapers of the testimony, containing the testimony? A. No; I don't think I did.

Q. Did you know anything at all about anything having been said here as to policemen having to pay to get on the police force? A. I read the testimony of Commissioner McClave; that is all I did read.

Q. Did you and your son talk over it? A. No, sir.

Q. And, I understand you to say that this is the first time you ever heard a word about your son having to pay money to some persons to get on the force? A. I never heard of his paying any money to get on the force.

Q. This is the first time you ever heard it stated? A. Yes, sir.

Q. In this court to-day? A. Yes, sir.

Q. What was you going to say? A. I was going to say, before he got on the police force he worked with me in the shop.

Q. And was paid by you wages, I suppose? A. Yes, sir.

By Chairman Lexow:

Q. You said his application was pending for a year before it was acted upon? A. I think so.

Q. Do you know whether anything was done during that year to progress the application? A. No, sir.

Q. Did you know under what circumstances the application was finally granted? A. I supposed through his smartness, passing the civil service, etc.

Q. He had passed that a year before? A. He passed it when he got his papers sent in; yes, sir.

Q. Did you see him at that time in communication with anybody in connection with the police department? A. No, sir; I did not.

Q. Did anybody come to the house to see him about his application? A. No, sir.

Q. Do you know whether he had anybody particularly friendly to him acting as his agent in the police department to secure his appointment? A. I never heard of anybody.

Q. Did you apply for him? A. I signed his application.

Q. Did you go to the police department and try to get him appointed? A. I never did, sir.

Q. Do you know who did? A. I do not.

Q. Do you know whether he did himself? A. That I could not answer; a man certainly is anxious to get on when he makes his application.

Q. Is there anybody in your ward or your election district that seems to have special influence with the police department? A. That I don't know; because I told you, Senator —

Q. Just answer my question for the time being, and then you can explain afterward; did you know at that time whether your

son was having any communication with anybody in your district for the purpose of having his influence to secure the appointment? A. I did not.

Q. You never saw anybody coming to your house to see him? A. No, sir; nobody ever came to my house to speak to him. —

Q. At the time he was in your employ? A. Yes.

Q. Never visited your shop? A. No.

Q. No political leader or influential man in the district visited your shop at that time? A. No political leader ever came to me, because a man that sticks to my business and don't interfere much into politics —

Q. Did your son never mention in conversation with you the name of any person there who assumed to have influence with the police department? A. He never did.

Q. Did he keep you posted from time to time how his application was being treated? A. Well, I thought myself that it was quite a long time from the time he made his application to the time he got appointed.

Q. Didn't he give you any reason why his applications were delayed? A. No, sir; he did not.

Q. Did you have any conversation about it? A. No.

Q. Did you ask him why he was not getting his appointment? A. I did not.

By Senator O'Connor:

Q. Did you mention the matter at all to him?

By Mr. Goff:

Q. Is it not a fact that your son was nearly two years from the time he first made his application until he got his appointment? A. I could not say; I say it was over a year; I don't know how much over.

Q. Will you refresh your memory and say whether it was not three years? A. I could not refresh my memory and say it was two years, because it was not; it was not over a year.

Q. And during that year yourself and your wife and your son had many conversations about his appointment? A. Well, he did not get his appointment then.

Q. You say that he was appointed on his merits? A. Well, he —

Q. Pardon me; can you tell the committee what commissioner it was that appointed him on his merits? A. Well, I don't know exactly what commissioner.

Q. You never heard which, did you? A. No.

Q. The committee would like to know his name? A. I suppose there was more than one commissioner.

Q. There are four commissioners? A. Yes.

By Chairman Lexow:

Q. Don't you know who suggested his name for appointment among the commissioners? A. I do not, sir.

By Mr. Goff:

Q. Do you know what commissioner it was he applied to in the first instance to get onto the force—made his application?

A. I don't know the commissioner exactly.

Q. Did you hear his name? A. I don't know.

Mr. Nicoll.—Can not all these facts be ascertained by calling the son? That is all Mr. Hogan.

Mr. Goff.—Is Mr. O'Kelly in court?

Chairman Lexow.—Is Mr. O'Kelly in court? He seems not to be.

Mr. Goff.—He was in court this morning, Mr. Chairman.

Mr. Nicoll.—Is there any reason why Mr. O'Kelly should be in court; has he been subpoenaed?

Mr. Goff.—We have not got any more witnesses on hand because we did not subpoena them because we thought we would use up until the recess in finishing Mr. McClave's examination.

Mr. Nicoll.—I will notify him. I have already done so.

Afternoon session, May 29, 1894.

Mr. Goff.—Mr. Chairman, I have been informed by Mr. Nicoll that Commissioner McClave is indisposed and not able to be here this afternoon. Of course, I have prepared for his further examination upon matters of importance, as I deemed it, and I have found considerable inconvenience in having witnesses subpoenaed here. In the early days of the examination, because after they were subpoenaed and their presence noted in the court-room here, they have been followed to their homes, and one has got away from New York, and others I have reason to believe have been tampered with. There are men in the court-room, I am informed, Mr. Chairman, whose duty is to sit here and watch every witness in this court-room and report who they are.

Chairman Lexow.—Do you know who they are?

Mr. Goff.—One has been pointed out to me to-day, sir. I think I can point him out now in this court-room. If he is not here, he was here. Who is the man that was talking to you, Mr. Center, before recess; who was the man that talked to you?

Mr. Center.—I know him, but I can not call him by name.

Mr. Goff.—Do you see him in court now?

Mr. Center.—No; I do not see him.

Mr. Goff.—I merely wish to call to your attention the difficulties we have to contend with in procuring the attendances of witnesses before this committee. I assure you, gentlemen, that they have been more than you could possibly understand. Those who are serving the subpoenas and endeavoring to reach the presence of the witnesses, their presences is noted in the neighborhood. Word goes around that they are there. They are accosted and they are watched, and it is almost a physical impossibility to get to the witnesses. I am not discussing anything or blaming any one, but presenting a state of facts, Mr. Chairman. As long as Mr. McClave is not here this afternoon, of course it breaks up my intended cross-examination of Mr. McClave on certain points. I have one or two witnesses which I will examine, and take up our time the best we may.

Mr. Nicoll.—Now, with the permission of the chairman, on Mr. Goff's notifying me this morning that he wished Mr. McClave in attendance this afternoon, I telephoned to the office to that effect. Just as I left the court-room I received a message which I communicated to you, whom I met on Broadway, that Mr. McClave had been taken sick while at the board meeting this morning, and had gone home to bed, and was under the care of a physician, and that under those circumstances I would immediately call a telephone to Commissioner Sheehan to come down. Commissioner Sheehan stated that his presence was necessary at the board meeting, because this was their board meeting day, and it required three of the commissioners to constitute a quorum, but he would come, and he has come, and is here, ready to be examined; but it seems to me, in view of the last observation of Mr. Goff, which I disclaim and resent, in regard to the interference of witnesses, that no higher duty could be imposed upon the committee than to immediately investigate that charge of Mr. Goff's and let him call witnesses for the purpose of establishing, if he can, that any single witness that he has ever called has been watched or shadowed or tampered with in any way. I do not believe it is so. I know it is contrary to all instructions given—my promise to the committee itself.

Mr. Goff.—I have not the slightest doubt of that.

Mr. Nicoll.—Which I am sure I have facilitated in every way the getting of witnesses; and I do not believe it is a possible thing; and I wish the committee would investigate that.

Mr. Goff.—Mr. Nicoll hasn't any knowledge of it, I do not believe.

Senator Cantor.—If that is so you should subpoena and make the inquiries of those who would embarrass the inquiry.

Mr. Goff.—You can appreciate my difficulty in bringing men here to be examined.

Senator Cantor.—If our men have been shadowed, I think it is your business to give us the evidence.

Mr. Goff.—The difficulty is if one of my subpoena servers comes on the stand he is known to every one that is shadowing them in the city of New York.

The Chairman.—I do not think it would be proper to sidetrack this committee; I think we all understand the situation with reference to that.

Mr. Goff.—Now, gentlemen, we will call Mr. Reilly.

Mr. Nicoll.—How about Commissioner Sheehan.

Mr. Goff.—I do not desire to take up Commissioner Sheehan's examination at this late hour of the day; I propose to have the pleasure of his company for a longer period of time.

Chairman Lexow.—In that case, Mr. Nicoll, it would not be necessary for Mr. Sheehan to remain here.

Mr. Nicoll.—I wish I had known this so that the public business would not be interrupted.

Mr. Goff.—I told you in the corridor.

Chairman Lexow.—I requested Mr. Nicoll to have Mr. Sheehan here so the time would be taken up in a comfortable way; Mr. Nicoll was kind enough to have him sent for; but if you are not going to take up his examination the commissioner need not remain here until we want him.

Mr. Nicoll.—Will you state when you do want him?

Mr. Goff.—I will give you timely notice.

Chairman Lexow.—As I understand, it will not be necessary to subpoena any of the commissioners.

Mr. Goff.—No.

By Chairman Lexow:

Q. What is your name? A. Patrick Ryan.

Patrick Ryan, 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. I reside at 47 Jane street.

Q. Give your full name? A. Well, I very seldom, Mr. Goff, use my second name.

Q. Well, use it? A. Patrick J. Ryan.

Q. And where do you reside? A. No. 47 Jane street.

Q. Jane street, in this city? A. Yes.

Q. That is over on the West side? A. Yes.

Q. How long have you resided there? A. I have resided in that neighborhood for 14 years; not in that house, though.

Q. How long have you resided in the city of New York? A. In the city of New York I have been 17 years, and 13 years in Brooklyn.

Q. And 13 years in Brooklyn? A. Yes.

Q. That is about 30 years altogether in New York and Brooklyn? A. Over 30 years; I give you the nearest figure.

Q. What is your business? A. I am employed at the carpet business.

Q. Where are you employed? A. I would sooner not state, because I am employed in that house for 20 years, and would sooner not bring my employers into this thing at all.

Q. You were employed in the house you are now employed in for 20 years? A. Yes, sir.

Q. You have been employed in the same position for 20 years? A. The same position exactly.

Q. Have you any objection to stating to the senators the name of your employer? A. I will do so; I know Mr. Bradley of old; I had the honor of voting for Mr. Bradley twice in Brooklyn; (the witness states the name of his employers to the committee.)

Q. Now, so that you will not be misunderstood, you might state what objection you had to stating the name of your employer; do you think it would imperil your situation? A. I am afraid so, sir; because he is a man that don't wish to get his name in the papers at all.

Chairman Lexow.—That is satisfactory.

Q. Do you know Sergeant McCartney? A. Very well, sir.

Q. Did you see him latter? A. I saw him last Sunday.

Q. Go on and tell the committee what took place between yourself and Sergeant McCartney on last Sunday? A. On last Sunday afternoon, between 1 and 2 o'clock, as near as I can recollect, about half-past 1, just after I got my dinner in my own house, as I live around the corner from Eighth avenue and Jane street, I stepped around the corner, just had a walk around; I walked around on Eighth avenue from my own house; I met with a man on Eighth avenue in front of the house called the Village Hotel, and I spoke to him about a man of the name of John Larkin, that has been captain of that district.

Q. You mean political captain? A. I do.

By Chairman Lexow:

Q. You don't mean police captain? A. No, sir; political captain, or captain of the district.

By Mr. Goff:

Q. What organization is he in? A. Tammany Hall; I said to Stafford, "I think it is a shame Tammany Hall should turn down that industrious and hard-working man, and give it to a man here that is not naturally qualified to that position, if there is any position attached to it."

By Chairman Lexow:

Q. What position? A. That is, captain of the district; I hadn't the words well uttered when Sergeant McCartney stepped up in front of me and slapped me on the face repeatedly, like that (indicating) did not hurt me, your honor, at all; but slapped me, degraded me before passers-by, a man of my age; I felt angry, but could not resent the insult; he was a big athlete, the man that was nearly the killing of a prisoner in front of Jefferson Market before Judge Voorhees; I went down to the Ninth police station and saw an officer in charge of the station-house, called Sergeant Tucker; I stated my case to him, and Sergeant Tucker sympathized with me, but said, "Mr. Ryan, in the absence of your having no marks I can not send an officer out and arrest him, but if you did I would do it if he was 20 police sergeants," he told me to go down to police headquarters; I went down there and was shown into a place where there was a captain, I think; I can not distinguish a captain from a sergeant; I don't know enough about the matter; he was sitting in a chair and reclining off like this (indicating) and said, "What do you want," I said, "I don't want anything from you in particular; I came here to make a complaint;" "Well what the hell is it?" he says. I said, "I don't think you are in a fit mood just at this minute to receive any complaint, and I don't tell you my business," and I walked out, and was afraid of him, and was afraid of being locked up; I consulted my own idea, and yesterday morning I waited until I thought the judge in Jefferson Market would have time to hear me, and I went down and made my statement as I had to you, gentlemen, now; and I told him I wanted a warrant out against Sergeant McCartney for assaulting me on the public streets; he said, "Have you any witnesses here?" I said, "No, sir; I have not; I am willing to make the statement I stated to you and swear to it;" "Well," he said, "I can not issue a warrant on such a statement; you have got to bring evidence to prove he struck you;" I said, "That is the most curious proceeding I have known in a court of justice; I am willing to swear to my evidence, and the evidence will come on the trial if I have it;" and he said,

"I would not believe you; I don't know you;" I said, "Don't you issue a warrant for people whom you don't know?" he said, "I will issue no warrant; he can get six that he never struck you, while, probably, you will get two to swear he struck you;" I said, "Very likely; have you seen him lately?" "Very well," he said, "You can not get any warrant here;" I said, the next moment, "I will write down to Mr. Goff, the counsel for the investigating committee that is going on here, and will state my grievance to him, and let it come before the public, and let him be the judge between McCartney and myself;" and I walked out of the court-house; I think, your honor, it was one of the great—I could cry, and I did last Sunday—one of the greatest outrages for this big athlete to step up and strike a man like me, old enough to be his father, in the face.

By Mr. Goff:

Q. What did he say when you struck him? A. He made use of some kind remark, that the police does make use, "You mut;" he said, "You damned mut;" I don't know what it means, but it is some slang phraseology they make use of.

Q. Did he ask you what did you do or say against Tammany Hall? A. He did.

Q. Just what did he say? A. He didn't mention Tammany Hall, but he wanted to know what is was my business what they done; I don't know that he ever mentioned Tammany Hall; I mentioned it, and he wanted to know what it was my business what they done; and I said it was my business, and I had a right to express my opinion about the matter, as any citizen in the land.

Q. What time in the afternoon was it? A. It was about half-past 1 in the afternoon, as near as I could guess; it was immediately after dinner.

Q. On the sidewalk? A. On the sidewalk.

Mr. Goff.—That is all.

Cross-examination by Mr. Nicoll:

Q. Did you address any complaint to the police commissioners?
A. No, sir; I did not.

Q. Well, after you had been to the police court, and a warrant was refused you, did you go to the district attorney's office and make application to go to the grand jury? A. No, sir; I did not, because the crime would not admit of going before the grand jury.

Q. What, an assault? A. Yes.

Mr. Nicoll.—Oh, yes.

Senator O'Connor.— Not without a certificate of a magistrate.

Mr. Nicoll.— Certainly.

Q. You did not go over to the district attorney? A. No; I did not.

Mr. Nicoll.— We are all agreed on it here, that there are other certain courts that have jurisdiction of misdemeanors, that is the practice here.

Q. Who is Larkin? A. He is a man I have known casually for a good many years; as I told you, he is captain of the district; that is about as I know; I don't know what he does; I know he has been a captain of this district.

Q. Is he an old friend of yours? A. Not any more so than Mr. Nicoll is; just simply met him as I have met you, often, and spoken to you.

Q. Why did you take such an — are you a politician? A. No, sir; I never earned a dollar from politics in my life; I make my living by a mercantile community.

Q. You take an active interest in the welfare of your country? A. I take an interest as far as the ballot box is concerned, and always did.

Q. Do you belong to any organization? A. None whatever.

Q. You are an independent? A. I am an independent man.

Q. I think you are a Democrat? A. Yes, sir; I am a Democrat; and I often got down on my knees in Brooklyn and prayed to see the day we had a Democratic administration in Washington; and now I go down on my knees and pray, "Father, forgive me; for I knew not what I done."

Q. As I understand it, then, you take only the active interest in politics that any good citizen does? A. That is all, sir; to see every man has his rights, whether he is Republican or Democrat, as far as I can.

Q. What was your particular interest in Larkin? A. Well, nothing particular, sir; but simply it was just a conversation that sprung up between Stafford and myself.

Q. Was Larkin turned down? A. Larkin was not present.

Q. Was Larkin turned down? A. Yes, sir; if you put it in that kind of a way.

Q. You took enough interest in Larkin to object to Larkin being turned down? A. Yes, sir; that is right, sir.

Q. And it is only because Larkin was a friend of yours, and you thought he was a good man for the position? A. He is not a friend of mine; we often had a drink of beer together; and so did McCartney and myself drink together, but not on this day, sir; I have not had a glass of beer with McCartney since he assaulted that man in the Jefferson Market court; I guess you were district attorney then.

Q. Did you drink beer with Larkin? A. I have; last election I drank, I think, two glasses of beer with him, on a certain night that I met him.

Q. We won't go into particulars; are you in the habit of drinking with Larkin? A. No, sir.

Q. Had you been taking a drink with Stafford that day? A. Not one iota.

Q. Not one, or with anyone else? A.—

Q. Where was this conversation between you and Mr. Stafford? A. It was right at the junction—well—there is no junction there; let me see, it is on Eighth avenue, in front of the village Hotel.

Q. On the street? A. It was right on the sidewalk.

Q. Was it a quiet conversation? A. It was a quiet conversation until McCartney interrupted it, and slapped me in the face.

Q. Did Stafford agree with you? A. Well, I don't think he expressed any opinion one way or the other; I don't think he would agree with my idea at all, because he was the old friend of Murray, who was appointed in Larkin's place.

Q. The fact is, there was a disagreement between you and Stafford? A. No, sir; there was no disagreement; Stafford did not answer the question at all. He did not say yes or no, or say a syllable in connection with what I said to him.

Q. You did all the talking? A. For the time being; yes.

Q. You did all the talking? A. Yes.

Q. Stafford stood and listened to you? A. Yes.

Q. And you were talking in a very mild and gentle way, quiet way? A. Yes, sir; that is right, but expressing my opinion about this matter very forcibly.

Q. You were? A. Yes.

Q. You are a man of strong opinions, are you not? A. I don't know that I am what you call a man of strong opinions; I am a man thoroughly able to judge for myself.

Q. And when you have an opinion you express it freely? A. I express it freely and vigorously.

Q. And that morning you were expressing your opinion freely? A. It was not the morning, but it was the afternoon.

Q. That afternoon you were expressing your opinion when McCarty came along? A. It is not McCarty, but McCarten.

Q. Did he tell you you was making too much noise on the highway? A. No, sir; the first intimation was a slap on each cheek, and the next I heard, "What the hell is it our business."

Q. Without a word of notification by him to you? A. Not a word, sir.

Q. You had no previous conversation between you at all? A. Not—I had no conversation.

Q. Was he standing by listening to the conversation? A. I would answer your other question first; I had no other conversation with him in the three minutes—probably four or five minutes.

Q. Was he standing by and listening to the conversation between you and Stafford? A. I could not say whether he was; he must have been behind my back, and he came up and slapped me in the face.

Q. Had you seen him before? A. Not until his hands slapped my face.

Q. Did you make any resistance? A. Not at all, sir; I would like to; if I was 20 years ago Mr. McCarten, big a man as he is, dared not strike me on the sidewalk; but now I am getting old, and dare not strike a man like him; but I think what I done was the wisest thing; and if I dared strike him, he would lock me up and have a good case the next morning.

By Senator Bradley:

Q. He might club you? A. Yes, club the head of me; your life isn't safe going around the street.

By Mr. Nicoll:

Q. You have a strong prejudice against the police? A. No, sir; I know some of the police force as fine gentlemen as ever I saw, but I never tolerate a ruffian or a bully.

Q. You have only differences with individuals? A. Yes.

Q. But have a good opinion of them as a class? A. As a class I don't know anything about them.

Q. But there are estimable men among them? A. Yes; there is high and low degree in the police department; there are lots of men in the police department that I would trust to every cent.

James O'Kelly, 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. Kelly? A. Shoemaker, sir.

Q. You are not the Kelly that Granger referred to in his testimony, are you? A. No, sir.

Q. Your name is O'Kelly? A. Yes, sir.

Q. Where is your place of business? A. No. 898 Eighth avenue.

Q. And your business is what? A. Well, I have a custom shoe-store there.

Q. How long have you been there? A. Four years last September.

Q. You are not a journeyman; you work for yourself? A. Yes, sir.

Q. Carry on business yourself? A. Yes, sir.

Q. And you employ other men there? A. Two men; yes, sir.

Q. Do you know a man by the name of Arthur Farnham? A. I know a man of the name of Arthur Freeman.

Q. Will Arthur Freeman stand up; is that Arthur Freeman? A. That is him; yes, sir.

Q. Did Arthur Freeman visit your place here about two weeks ago, or ten days? A. Yes; he did.

Q. Did he tell you what he visited you for? A. Yes, sir.

Q. What did he tell you? A. He came in and represented himself as being sent up to me by a man down town.

Q. Yes? A. For to see about I giving him ideas about the police force; I asked him who the man was; he would not tell me, but he is a friend of yours; when he told me that way, he said that he would not give me his name or who he was, when I considered that he was—

Q. Please don't say what you considered; please tell us what took place between you and Arthur Freeman? A. Really, I can not tell the whole of it, but I told him that if he came within the district, I could get a letter for him down to commissioners; that he could get his application.

Q. What commissioners? A. Not particular.

Q. Didn't you mention some particular commissioner's name? A. No, sir.

By Chairman Lexow:

Q. You meant the police commissioners? A. Yes, police commissioners.

By Mr. Goff:

Q. Did you ask him how long he had been in New York? A. Really, I couldn't tell that.

Q. Didn't you ask him how long he had been in the city? A. Perhaps so.

Q. And didn't he tell you he had been here about six months? A. I could not tell that, either.

Q. Don't you remember that, Mr. Kelly; raise your face a little, please? A. I do not.

By Chairman Lexow:

Q. Speak up loud, so you can be heard? A. I don't remember.

By Mr. Goff:

Q. Didn't you tell him he would have to be here 12 months?
A. That I couldn't tell.

Q. Your memory fails you there, does it? A. It does; yes, sir.

Q. Did you ask him what he was doing for a living? A. Yes; I believe I did.

Q. What did he tell you? A. He said he was a shipping clerk for a man named Watson in Chambers street.

Q. Did you ask him where he boarded? A. Yes; I did.

Q. Did you say to him, I understand the situation thoroughly, that if anyone hasn't got a pull it is no use to try to get on the police force? A. I don't remember saying anything about it.

Q. Did he say that? A. I couldn't really tell.

Q. Does your memory fail you again? A. Yes; I couldn't really tell.

Q. And didn't you tell him when he said that, "Yes; that is right;" do you remember saying that? A. No, sir; I do not.

Q. Now, did he ask you anything about the civil service examination? A. Oh, yes, sir.

Q. What did he ask you about the civil service examination?
A. Well, if you would refresh my memory I might tell it; but I can not really remember.

Q. I was not there? A. But you have his statements.

Q. I have a memorandum of what took place between you; didn't you say to him that the civil service examination did not amount to anything? A. No, sir; I did not.

Q. You are sure about that? A. I could not.

Q. Didn't you say that you had men appointed on the police that got low marks, and others did not have a pull that got nearly 100 per cent. that were still on the waiting list? A. I never said a word about that.

Q. Clear about that? A. Clear about that; positively clear about that.

Q. Did you ask him whether he could write? A. Yes; I did.

Q. What did he say? A. He said that he was a college-bred man, and that he could get a good rating, that he was a candidate for West Point, but he hadn't the pull behind him to get in there.

Q. Did he say anything about serving on the Columbian Guard in Chicago at the fair? A. I suppose something like that; I couldn't really tell.

Q. Didn't he say to you that he would be a little backward about the other examinations; he was all right for the physical examination? A. Well, he may have said that.

Q. Don't you remember that? A. He may have said; but I don't remember.

Q. And didn't you say then the whole thing was very simple? A. I may have said that.

Q. Did you tell him that all he had to do on the examination was to add up and subtract a few figures? A. I suppose so.

Q. Didn't he tell you he could do that all right, but he was not acquainted with the city here? A. Yes.

Q. Didn't he tell you that he had a friend who informed him that some of the questions asked of candidates for appointment on the police force were in relation to the location of certain buildings and public places here? A. I don't know.

Q. Don't you remember him saying he was a stranger in New York, and he could not tell places of interest and public buildings that people might inquire for? A. Perhaps it may be so.

By Chairman Lexow:

Q. You remember he did? A. No, sir; I don't remember it, it may be so.

Q. Then to your recollection it was so? A. No; it is not my recollection that it was so.

Q. Do you remember giving him this little book? A. Yes, sir; I do, well.

Q. Just look at it? A. Yes; I know it.

Q. You took that book out of a drawer? A. I took that out of the drawer; I bought that for five or ten cents and gave it to him.

Q. This book is called, "The Manhattan Guide, New York city by Elevated Railroads;" and when you took this book out of a drawer, you told him that he would have to study up this little book, and learn the location of all the streets, and buildings, and theatres, etc.? A. Yes.

Q. You gave it to him? A. Yes, sir; I gave it to him.

Q. And that was to prepare for the civil service examination? A. Yes, sir.

Q. Now, about the other questions in the civil service examination; did you tell him anything about them; questions regarding arithmetic, or geography, or things of that kind? A. I don't remember of telling him anything about it; I may.

Q. Don't you remember telling him there might be a little difficulty in him answering the questions? A. Well, yes; there may have been that.

Q. Do you remember, Mr. Kelly, saying to him, that the man who had the right kind of pull it did not matter how he answered the questions; but that the man who hadn't the right kind of

pull, no matter how he answered the question, he could not get on? A. I never said a word about it.

Q. You are clear about that? A. I am clear about that.

Q. Now, did you tell him if he made matters all right with you, that you could get the questions in advance? A. No, sir; I did not.

Q. Questions to be propounded on the civil service examination in advance? A. No, sir; I did not; nor they couldn't be got.

Q. You say they couldn't be got? A. No, sir; they can't be got.

Q. How do you know? A. I heard of it; as hearsay.

Q. Who told you? A. Many is the one who told me.

Q. Name me one? A. I could not name one now.

Q. Did you not inquire? A. No; I did not.

Q. If you did not inquire, how is it you know the questions could not be obtained in advance of the civil service examination? A. I heard it some years gone by in this way; that they are sealed down in the printer's place, and sent up to the Cooper's Union.

Q. Well, how did you come to get that information? A. Well, I got it about four years ago.

Q. About how many years ago? A. Four years ago.

Q. From whom? A. From a man that is dead now; the man I bought out the place from.

Q. What was his name? A. Flynn.

Q. Did Flynn interest himself in the business of securing appointments on the police force? A. Well, he might; he might have.

Q. Wasn't that the subject of your conversation with Flynn when he spoke about the difficulty of obtaining the questions? A. Yes, sir.

Q. Didn't Flynn at the same time tell you that no one, not inside, could get the questions through a friend? A. No; he never told me a word about it.

Q. Was it not in regard to getting appointments on the police force that you spoke to Mr. Flynn when you bought the place out from him? A. No; I was working for him on time, and I heard him speak often and often to parties that were in and out there.

Q. You worked as journeyman to him? A. Yes.

Q. And you heard him speak to parties coming in and out there? A. Yes, sir.

Q. Were they parties coming in to get their shoes mended? A. I suppose they were.

Q. Did these parties talk about civil service examination? A. They did.

Q. Is that a common thing for people who come in to get their

shoes mended to talk about it? A. There is scarcely a location in the city but there is a man going up for a position, and their business takes them into a shoestore once in a while, and they begin to talk about the civil service affair, getting on the police force.

Q. And the difficulties of the civil service? A. Yes, sir.

Q. And your predecessor, Mr. Flynn, told you that these questions were all sealed up at the printers? A. Yes, sir.

Q. And delivered to Cooper Union? A. Yes, sir.

Q. Did he tell you how he knew that? A. No; he did not.

Q. Do you know how he knew it? A. I did not; he was a man that would not let you into any of his secrets.

Q. That was one of his secrets, and he let you into it? A. He did not; he let other parties that were in there.

Q. They were candidates for the police force? A. I don't know that they were.

Q. Were they there to get their shoes mended or ask questions? A. I didn't mention the subject; I heard the subject talked about.

Q. Did you ever see Flynn in possession of any civil service papers? A. Yes, sir; there was one laid around there.

Q. He had one? A. He had one.

Q. That was used as a sample? A. I guess so.

Q. A sample to various men that came in to ask questions about the police force? A. I can not say that.

Q. You saw him take it out? A. I never saw him take it out.

By Chairman Lexow:

Q. What do you mean when you say it was used as a sample? A. I didn't say that.

Q. You said it was used frequently as a sample; what did you mean when you used the word sample? A. I never said that.

Q. Was it used as a sample? A. I never see him use it for anything at all.

By Mr. Goff:

Q. Where did you see it? A. In his old desk.

Q. In his old desk? A. Yes, and it was there up to a short time ago.

Q. Did you take that out and show it to Arthur Freeman? A. I did.

Q. Took it out and showed it to him as a sample of the paper he would have to write upon, and the answers he would have to give? A. I did; yes, sir.

Q. Now was there a date upon that paper? A. Oh, really I could not say.

Q. Don't you know as a fact that that was last year's civil service examination? A. No, sir; it is four years ago.

Q. You are clear about that? A. I am clear about that.

Q. Didn't you tell him it was last year's civil service examination? A. I am most sure I did not.

Q. Are you sure it was not last years' civil service examination? A. I am almost sure I did not.

Q. When you say you are almost, have you a doubt about it? A. No; I have no doubt about it.

Q. You say positively it was not? A. Positively it could not be last year's.

Q. Positively you did not tell him it was last year's civil service examination? A. I did not.

Q. Did you say anything to him about the simplicity of the examination that he would have to go through, telling him it was simple? A. No.

Q. Don't you remember pointing to a little boy eight years old, saying that boy there could go through an examination? A. Never, sir.

Q. Did you say anything to him that a boy eight years could go through an examination? A. No, sir; never.

Q. Did you ever mention a child going through the examination? A. No, sir; never.

Q. You are clear about all these things? A. Yes, sir; I am clear about all of these things.

Q. Do you remember telling him the names of the buildings he would have to answer and describe? A. Well, perhaps I may have told him that.

Q. Let us see; do you remember mentioning to him that the Savoy Hotel would be enquired about? A. I cannot tell really I told him that.

Q. And the Holland House? A. I don't remember.

Q. The Metropolitan Hotel? A. No, sir.

Q. And the Broadway Central Hotel? A. I don't remember that.

Q. Do you remember saying anything about that? A. I may have mentioned the Savoy Hotel.

Q. And the Broadway Tabernacle? A. No, I do not.

Q. And the location of the various city offices; do you remember that? A. No, sir.

Q. Where the City Hall was, or the new criminal courts were? A. No; I don't remember any of those things; not anything of that sort.

Q. Didn't you tell him that you had a friend in the examination department? A. No, sir; I did not.

Q. Didn't you tell him that if you gave him a note, and he got a standard lower than what was required, your friend in the examination department could fix the standard for him? A. No, sir; I never told him about that.

Q. Clear about that? A. Quite clear.

Q. Do you remember telling him any incidents or cases of men who you knew had got on the police department and whose rating was raised by your friend in the department? A. Never.

Q. Didn't say a word to him about any one you had got on the police department? A. Never; I never got a man on the police department.

Q. I did not ask you that; you did not say a word about any friends you had got on the police department? A. No, sir, I never did; for I never got one on.

Q. Well, did he ask you if it would cost anything to get on? A. Yes, sir; I believe he did.

Q. What did you say to him? A. He said that he had \$500 or \$600 in stock, or something of that kind of way, and I believe I said that it would cost him something between \$300 and \$400, or something that way.

Q. Did you ask him if he had the money? A. No, sir; I did not; I told him I wanted none of his money.

Q. No, no; I know; you did ask him; you told him about \$300 or \$400? A. I suppose I did.

Q. Didn't you ask him if he had the money in the bank? A. No, sir; I did not.

Q. Did you ask him if he had anything he could turn into money? A. No; I never did.

Q. Didn't he say something to you about his having the money? A. Yes, sir.

Q. What did he say? A. He said he had something in some stocks, or that sort of way, and he said he would sell them and I told him, no; I did not want his money.

Q. Do you remember the name of his stocks? A. No, sir.

Q. Didn't he tell you that he did not want to sell his stocks because the market was low just now? A. He might have said something like that, because I told him not to sell.

Q. Didn't he tell you he did not wish to sell his stock because the market was low, and because he might not get on the police force; don't you remember him saying that? A. No, sir.

Q. Don't you remember your telling him it was not necessary for him to put up the whole of the money on that occasion? A. No, sir; I told him I did not want his money.

Q. Didn't you tell him it was not necessary to put up the

whole of the money just now? A. I don't know; I don't remember.

Q. You won't swear you did not tell him that? A. I would not swear anything of the like past with him.

Q. Will you swear it did not pass? A. I could not swear either to or fro.

Q. Neither the one thing or the other? A. No, sir.

Q. Didn't he ask you if he would have to pay the money at once for his appointment? A. No.

Q. Did he make any inquiry on that subject at all? A. No; he did not.

Q. Will you swear he did not? A. I will swear he did not.

Q. And didn't you tell him when he asked you if he would have to pay the money out at once, and you told him it was not necessary to pay the whole of the money at the present time; do you remember saying something of that nature to him? A. I don't remember telling him that; I don't remember a word about it.

Q. You swear you don't remember it now? A. I don't remember it.

Q. You won't swear you did not tell him that? A. I won't swear; I don't remember it.

By Chairman Lexow:

Q. It may have occurred, so far as your recollection serves you? A. It may not have occurred.

Q. May it have occurred? A. No; I don't believe it ever occurred.

Q. You don't believe it? A. No.

Q. You don't know whether it ever did or not? A. No.

By Mr. Goff:

Q. Didn't you make an appointment with him to go there a second time? A. No; he said he would come there himself.

Q. Didn't you tell him the best way for him to do would be to come up to-morrow, and you would then give him a letter to Commissioner McClave? A. No, sir; I never said I would give him a letter.

Q. Did you say you would give him a letter? A. I said I would get one for him.

Q. To Commissioner McClave? A. Not to any commissioner in particular.

Q. Did you tell him you would get a letter to a commissioner? A. Yes; I did.

Q. Will you swear you did not mention Commissioner McClave's name? A. I will; I did not mention any commissioner's name.

Q. Did you tell him from whom you were going to get a letter?
A. No, sir.

Q. Well, who did you intend to get the letter from? A. I intended to get it from a friend of mine.

Q. Who is the friend? A. He is of the name of Simonson.

Q. What is Simonson? A. I can't tell you that.

Q. What is his business? A. I don't know anything about his business.

Q. Is he engaged in business? A. I don't know anything about his business.

Q. Is he engaged in politics? A. I suppose so.

Q. Don't you know? A. No.

Q. Did you ever hear? A. No.

Q. Did you ever hear? A. Yes; I did hear.

Q. What political party does he belong to? A. He belongs to the Republican party.

Q. What Assembly district is he in? A. The Eighteenth.

Q. Isn't he called a leader there? A. No.

Q. He is prominent, isn't he? A. I suppose he is.

Q. When you intended to get a letter from your friend Mr. Simonson, to what commissioner did you intend to get a letter to? A. I do not know what commissioner he would write the letter to.

Q. You had some knowledge that Simonson had some influence with some of the commissioners, didn't you? A. Well, I had a knowledge of it of course; but what commissioner it was I could not tell.

Q. You knowing Mr. Simonson, he being a friend of yours, and knowing him to be prominent in the Republican politics of that district, didn't you know what commissioner he was likely to have influence with? A. Well, no; I did not.

Q. You mean to tell this committee Mr. O'Kelly, that you did not know to what commissioner your friend Mr. Simonson was to give a letter of introduction to this man to go on the force? A. No; I did not.

Q. You are clear about that? A. I am clear about that.

Q. Well, you had no doubt about being able to get a letter from Mr. Simonson? A. Yes; I would get the letter.

Q. You would get the letter? A. Yes, sir.

Q. You have got letters from him before? A. Never.

Q. How did you know you would get a letter at that time? A. Because I have worked for the man, and he comes in and I am most sure he would give it for me.

Q. You promised Mr. Freeman to get a letter from Mr. Simonson without your knowing you would get the letter? A. Yes; I knew I would get a letter.

- Q. Ever ask him for a letter before? A. I never did.
- Q. Did you ever give him any money or consideration for appointment on the force? A. Never in my life.
- Q. You never gave Mr. Simonson any money? A. Never; and never received a cent of money.
- Q. You know the obligation you are under there? A. I do, perfectly well, sir.
- Q. You are a man of intelligence, and know what false swearing is? A. Yes, sir.
- Q. You mean to say now that you never gave Mr. Simonson any money in consideration of anyone's being placed on the police force? A. Never; never in my life.
- Q. Did you ever give him a present? A. Never.
- Q. What? A. No; never.
- Q. Did any money ever pass from your hands to Mr. Simonson's under any circumstances? A. Never.
- Q. Did you lie to me last night? A. I did; I am on my oath now, and you terrorized me into it, and it was a snare; my friend Ryan brought me in to terrorize me into it; to say there was State's prison before me if I would not swear a lie.
- Q. You lied to me last night, didn't you? A. I did; I am on my oath now, and am telling the truth.
- Q. You admitted to me last night you paid \$200 to Simonson? A. I did not.
- Q. Are you lying now? A. No; I said it was less than \$200.
- Q. You said last night it was less than \$200? A. Yes, sir.
- Q. You admitted to me you paid \$175 or thereabouts to your friend Simonson? A. Yes, sir.
- Q. You say you lied? A. I did.
- Q. And you lied deliberately? A. Deliberately.
- Q. And you regarded Mr. Simonson as your friend? A. He is not; he is not a friend of mine.
- Q. You said a little while ago he was a friend? A. I knew him in business transactions.
- Q. And you deliberately lied about a man last night to me; you swear that now, do you? A. I do.
- Q. And you came to me in company with a friend of yours? A. Yes, sir.
- Senator O'Connor.—Why did he lie to you; what purpose had he in lying?
- Mr. Goff.—I am going to ask that, Senator.
- Q. You came to me in company with your friend last night? A. Yes, sir.
- Q. And tried to get out of being called before this committee? A. Yes; just that.

Q. I told you it was impossible, didn't I? A. Something like that.

Q. And didn't I tell you for any evidence you would give here before this committee touching this transaction that the law protected you from any prosecution? A. Yes, sir.

Q. And didn't I tell you the only thing you could be prosecuted for would be for committing perjury before this committee? A. Yes; that is just it.

Q. And I told you if you committed perjury, and I could prove it, I would send you to State's prison? A. Yes, sir; that is right.

Q. And after I telling you that, I told you all the committee wanted was the truth in this matter? A. Yes.

Q. And so far as your testimony in the case was concerned you could not be prosecuted? A. Yes.

Q. And I told you to tell the truth? A. Yes, sir.

Q. And with all that you lied to me? A. Yes, sir; I did.

By Chairman Lexow:

Q. Why did you lie?

Senator O'Connor.—Why did he lie to you?

By Mr. Goff:

Q. Tell the gentlemen why you lied to me? A. I went into the office the very first day I was subpoenaed down here; he told me if I would not—

By Senator O'Connor:

Q. Who told you? A. Mr. Goff.

By Mr. Goff:

Q. What is that? A. You brought me into your office over across from this court, and I went into his office, and he asked me, sitting just face to face, now, he said, I have as much as will send you to State's prison if you say what you say.

By Mr. Nicoll:

Q. What? A. If you swear to what you say; "I will swear to the truth," I said; "I never took a cent of money; never got an appointment on the force, and will swear to that, never mind what court I go into it;" and I have sworn it now, and it is the truth I swear.

By the Chairman:

Q. Why did you tell Mr. Goff last night that you had received

or paid \$175 upon the transaction mentioned; why did you tell him that? A. Well, the way it was, with the two, I was there and was bulldozed into it, and was excited, and didn't know what I was saying.

Q. Who bulldozed you? A. Both Ryan and Mr. Goff.

Q. Didn't Mr. Goff ask a moment ago whether or not he said to you—and you admitted it—that no prosecution would be had for any testimony you gave before this committee? A. Yes, sir.

Q. What bulldozed you then? A. Well, I was excited at the time, and did not know what I was saying. ,

Q. What excited you? A. I don't know.

By Senator O'Connor:

Q. Were you drunk? A. No; I am a nervous disposition.!

By Chairman Lexow:

Q. Explain to this committee why it was last night, apparently without any coercion, you deliberately lied to Mr. Goff, and to-day under oath, you state a set of circumstances entirely at variance with what you said to him yesterday? A. Yes.

Q. What is the reason of that? A. Well, I am on my oath to-day, and I want to tell the truth; that is all.

By Senator O'Connor:

Q. Why didn't you tell the truth last night when you were talking to Mr. Goff? A. I did not.

Q. Why didn't you? A. I don't know what is the reason.

Q. Who did you see since last night? A. I seen no one.

By Chairman Lexow:

Q. With whom have you spoken about this matter? A. Not a single one; I am here all day.

Q. Haven't you seen, since you left Mr. Goff's office until you came to the witness stand here, haven't you seen anybody in connection with the police department? A. Not a man.

Q. After you left Mr. Goff's office last night, didn't you see anybody? A. Not a one.

Q. Haven't you spoken about this matter to anybody? A. No, sir; it was after 10 o'clock when I got home, and I came here the first thing this morning to see Mr. Goff; could I be excused until Thursday.

Q. Have you had any conversation before going into Mr. Goff's office that resulted in your deliberately stating a falsehood to him? A. No, sir; I had no conversation with him.

Q. Was it because you wanted not to be called upon the stand as a witness here? A. Yes; that is the reason.

Q. And the reason you told Mr. Goff a lie last night was, because you did not want to be called on the witness stand to-day; is that so; is that the fact? A. Illustrate it a little plainer to me.

Q. Is it the reason you told Mr. Goff a lie, is the reason you did not want to be called upon the witness stand to-day; is that the reason that operated upon you in telling Mr. Goff a lie last night; was it? A. It was something in that line.

Q. If that was the reason, why didn't you tell him you had not paid any money for appointments? A. I told him it before.

Q. You told him last night you had been paid money; why didn't you tell him you had not paid him any money; didn't you know that lie would bring you on the stand here to-day? A. I did not.

By Mr. Goff:

Q. You are under a subpoena? A. Yes, sir.

By Senator O'Connor:

Q. Didn't you expect when you told Mr. Goff you paid this man \$175; didn't you know they would produce you here as a witness to testify to it before the committee? A. I did not know it.

Q. Didn't you know you were giving him the very information that would make you a necessary witness before this committee? A. Yes.

Q. And now you come here and say you gave him that information for the purpose of getting off? A. I don't mean it in that way.

By Mr. Goff:

Q. Did you lie to me any further last night than what you have stated to the committee; tell me any more lies? A. I don't know; just refresh my recollection.

Q. I will refresh your memory; you told me how you paid this money to Simonson; did you lie about that? A. Oh, yes; I did.

Q. You lied about that, too? A. I never paid him a cent of money.

Q. When I asked you to state the circumstances under which you paid this money to Simonson you told me the circumstances; don't you remember that? A. I don't know.

Q. Don't you remember you told me you went to a certain

liquor store, and took him to a liquor store? A. I never went into a liquor store with the man.

Q. Didn't you tell me that last night? A. I may have told you.

Q. That was another lie, was it? A. I guess it was.

Q. Did you tell me any more lies? A. I don't know.

Q. Well, try and refresh your memory; did you tell me the name of the man whom you had appointed on the police force?

A. I told you about the man that was appointed, but I hadn't him appointed.

Q. Was that a lie? A. No; he was on the police force there.

Q. Did you tell me the name of the man that was appointed at the time you gave Simonson the money? A. No; I don't remember.

Q. Will you swear you did not tell me that last night? A. I can't remember whether I did or not.

Q. There was your friend, any myself, and yourself present?
A. Yes, sir.

Q. I ask you if you did not tell me the name of the policeman who was appointed at the time you gave Simonson the money?

A. I could not.

Q. Answer my question? A. Yes; I will.

Q. Didn't you tell me the name of the policeman, a relative of yours? A. Yes, sir.

Q. Who was appointed on the police force at the time you gave Simonson the money; didn't you tell me that last night? A. No; I told you about his being appointed on the police force, but I never told you about the money.

Q. Then you did not lie about the appointment? A. No; he is appointed.

Q. What name did you give me? A. Oh, him?

Q. Yes? A. Peter Duncan.

Q. Did you tell me his trade? A. Painter; you knew it yourself before I told you.

Q. Yes; I did; but you confirmed it when I asked if it was true?

A. Yes.

Q. And you told me the region where he lived? A. You told me; yes, sir.

Q. I knew that, too, and you confirmed it? A. Yes, sir.

Q. All these things were not lies? A. No; that is true.

Q. And the only lie you will stick to is about the payment of that money; is that it? A. Yes, sir.

Q. That is the only lie, and you will stick to that? A. It is no lie.

Q. You will stick to that, you told me a lie last night? A. I told you a lie last night.

Q. You now under oath will stick to your assertion that you lied to me last night about paying the money to Simonson? A. Yes, sir.

Q. And you pin your faith on your solemn oath on that? A. Yes, sir.

Q. Have you seen Simonson since? A. No, sir.

Q. Have you heard from him? A. No, sir.

Q. Have you communicated with him? A. Never.

Q. Where were you to-day when you were called in the court? A. Here; I was outside.

Q. Do you remember telling me last night you would sooner leave here and go to the old country than be called on the stand in this matter? A. Yes, sir; because I was never on a stand before.

Q. Didn't I tell you that you had nothing to fear; didn't I tell you you would be a fool to throw up your business here? A. Yes, sir; you said everything that was said inside there would be secrecy.

Q. You drew up the conversation, Mr. O'Kelly? A. No; you drew it up yourself.

Q. You drew it up; however, we are not dealing with that; we are dealing with your conscience; don't you remember of me telling you you would be foolish to leave the country when you have nothing to fear? A. Yes.

Q. And when you would be absolutely protected for any testimony you might give on this witness stand; do you remember me telling you that? A. Yes, sir.

Q. And don't you remember me telling you in the first instance that it was Simonson whom you gave the money to? A. No.

Q. You do not? A. No, sir; but you spoke about his name.

Q. I spoke about his name? A. Yes.

Q. And then you broke down and told me the whole story? A. No; I did not break down.

Q. Then you lied? A. I lied; yes.

Q. And you turn around and tell this committee here, Mr. O'Kelly, that you lied to bring in the name of an innocent man into this transaction, and possibly leave him liable to trouble and annoyance—Mr. Simonson—for the sake of lying; you lied about an innocent man; is that so? A. Yes; it is so.

Q. And to save yourself you lied about an innocent man last night? A. Yes.

Q. What do you think of yourself, anyway? A. Well, I think myself that I am all right.

Q. You are all right; I am almost ashamed, Mr. Chairman and Gentlemen, to put to this witness another question.

Senator O'Connor.—Go ahead.

Mr. Nicoll.—I will put a few questions.

Mr. Goff.—Help him out.

Mr. Nicoll.—No; I will find out all the facts about it.

Cross-examination by Mr. Nicoll:

Q. I understood you to say, in the course of your examination, that you never was on the witness stand before? A. Never was; no, sir.

Q. Had you ever been subpoenaed to be a witness before? A. No; never.

Senator Bradley.—Speak out; don't be afraid to speak out, anyway.

Q. When you received the subpoena of this committee, were you alarmed by being called as a witness here? A. Yes.

Senator O'Connor.—Mr. Nicoll, you must not suggest excuses here; that is no sort of cross-examination.

Q. Tell us the state of your feelings when you received the subpoena to appear in court here before this committee; and by the way, when did you first get the subpoena? A. I can't really tell you what day I got it.

Q. It was last week sometime? A. Last week.

Q. Now, go on and tell us; you say you have never been subpoenaed before? A. I never had been subpoenaed before, never was, and when I got that subpoena, it knocked me around so much that it turned my work, so I couldn't do any work since I got it—that subpoena; I am a nervous disposition, and I had to throw up work altogether there; and I am around here those four days past, and was not put on the stand, and I don't know—and I got such a knocking around there, of course it is not—a strange thing to me, altogether.

By Senator Bradley:

Q. Who knocked you around? A. By my nervous disposition, sir.

By Mr. Nicoll:

Q. You were attending here four days, and was not called? A. No, sir.

Q. And finally you went over to see Mr. Goff? A. Yes, sir; a man came to me last night and brought me over to see Mr. Goff.

Q. Who was he? A. A man named Ryan.

Q. Was he a friend of yours? A. Yes; and a friend of Mr. Goff's.

Q. A mutual friend? A. Yes, sir.

Q. Had you, up to that time, had any conversation with Mr. Goff? A. Yes, sir; I had a conversation the very first day I landed here.

Q. What was that conversation?

By Mr. Goff:

Q. The first day you landed here? A. The first day I landed in this court here.

By Mr. Nicell:

Q. What was that conversation? A. Well, I showed the subpoena to Mr. Jerome here, and he spoke to Mr. Goff, and kept me until he was going over to his office; I went over with him, and Mr. Goff sat there and told me that he had the whole thing in his hand, and that if I swore to what I said, that I never took — I told him there that I never took a cent of money, a cent of money never passed through his hands for an appointment on the police force; I never got an appointment on the police force.

Q. That is what you told me then? A. Yes.

Q. What did he tell you if you stuck to that story? A. He would send me to State's prison.

Q. Was you alarmed by that? A. Certainly I was.

Q. Was that the reason why you told him what you told him last night? A. Yes.

Q. On account of his telling you he would send you to State's prison? A. Yes, sir.

Q. And with those threats made in the presence of Ryan? A. Oh, no, sir.

Q. That was the other time? A. It was last night Ryan was with me.

Q. When was the date you say Mr. Goff made these threats? A. The very first day I came down here; the day I was subpoenaed at 2 o'clock.

Q. Tell us exactly the language of it; what happened? A. I could not tell you more forcibly than I did, or plainer; those were the very words that passed.

Q. Did he tell you he knew — what did he tell you in regard to Simonson, or what he knew or thought he knew? A. Simonson was not mentioned any time until last night; but he told me that with the information he had that if I would swear that that is what I told this man Freeman that day — I told him I

knew he was a sleuth man, as I said, to get information from me concerning what I knew nothing about, and I told him any kind of story I thought of; Mr. Goff said I was a monumental liar if I said them things; and I did not think it was very gentlemanly of him to say so.

Q. Well, you took it of him all the same. A. Oh, I did.

Q. And there were some other gentlemen present besides Mr. Goff and yourself? A. Yes; and a Mr. Moss, too; there was three of them there.

Q. What I wanted to know was what had the conversation of Mr. Goff to do with your finally making the statements to him that you made last night, and which you to-day deny; were you alarmed that he would send you to State's prison? A. Yes, sir; and I considered what I said outside, not being on my oath, it was a matter of no consequence, and I say it now; it is here I am to tell the truth when I am on my oath, and I am telling it.

Q. Mr. Goff did not go through any ceremony to make you swear, did he? A. No; he did not.

Q. You don't understand he had power to administer oaths? A. He did not introduce any oaths to me.

Redirect examination by Mr. Goff:

Q. Do you remember me saying to you last night, that if you wished to tell the truth to me about the whole transaction, that I would treat you as kindly as possible; do you remember those words? A. Yes.

Q. Do you remember me saying to you, that you were absolutely protected from danger, not a hair of your head would be injured for testimony given in this court; you remember that? A. Yes, sir.

Q. And I repeat it again, don't you remember that the only threat, if you call it a threat, that was made to you was if you committed perjury before this committee you could be sent to State's prison, and I would endeavor to send you there? A. Yes, sir.

Q. And if you committed perjury, don't you think you ought to be sent to States prison? A. I know it perfectly well.

Q. And that is the beginning and the end of what you call the threats, isn't it; that is all the threats that were made? A. That is all.

By Chairman Lexow:

Q. Were there any other threats made? A. No.
Senator Bradley.—Terrible threats, those.

By Mr. Goff:

Q. Now, Mr. O'Kelly, I did not send for you last night? A. Peter Ryan came to me and brought me,

Q. Your friend came to me? A. No.

By Mr. Nicoll:

Q. Is this the same Ryan that was on the stand? A. Oh, no; not that man.

By Mr. Goff:

Q. You have known him for many years? A. Yes, sir.

Q. And you have esteemed him highly as your friend? A. Yes, sir.

Q. And the first time you saw him you told him you were a friend of his? A. I did; yes, sir.

Q. And do you remember me saying to you, well, Peter Ryan is a nice man, and any man that is a friend of his, I believe ought to be a nice man; do you remember my saying that? A. Yes, sir.

Q. Do you remember I said if you was a friend of Peter Ryan, you ought to be a nice fellow? A. Yes.

Q. And without any request from me or on my part, your friend brought you over to my house last night? A. Yes, sir.

Q. And I was about to go out when you came? A. Yes.

Q. And I remained to talk to you? A. Yes.

Q. Do you remember my saying to you when you first denied it, that when you were going to talk that way, that I wished to have no conversation with you, that we could talk together in open court; do you remember that? A. Yes.

Q. But if you wished to tell the truth to me, I would listen to it and treat you as kindly as possible? A. Yes; I remember that.

Q. Do you remember asking me on the way to the court not to put you on the stand this morning? A. Yes; going in your own door.

Q. Do you remember my telling you it was impossible for me to avoid that, and that you had nothing to fear by telling the truth? A. No; I asked if it was possible for me to keep from the stand, and you said, impossible, and you said no more to me then.

Q. Well, that is about it; and what you have said about Arthur Freeman's visit to you — A. Yes.

Q. Is as true as what you told me last night, is it? A. Well, as far as I can recollect; it is all I can recollect about it.

Q. Will you swear you did not ask him to pay \$50 as a pledge of good faith that he would pay up the balance of the money you wanted? A. Yes; I did.

Q. Do you remember mentioning to him the names of any other individuals besides—no; you did not mention Simons; did you mention the names of any individuals through whom you had a pull and influence? A. No.

Q. Let us see; do you remember talking to him about the bipartisan bill up in Albany at the time? A. I never read anything about it; I don't know anything about it; I did not.

Q. Do you remember talking to him about the bipartisan bill up in Albany at the time? A. No; I do not.

Q. Do you remember when he made the second visit to you that you advised him not to make the application now, but there would be a new Republican commissioner appointed in a day or two; do you remember telling him that? A. Perhaps I might; I couldn't really tell.

Q. Do you remember telling him a new man was to be appointed? A. No, sir.

Q. Did you mention any names? A. Not that I remember.

Q. Did you tell him you had seen a man of influence in the ward or district after his first visit to you, and he told you not to have him apply now, because the board might be changed if the law passed in Albany? A. No, sir; I never said a word of it.

Q. Did you mention the names of anyone that you were told would be appointed police commissioners? A. I did not know anything at all about that.

Q. You are very clear about that, are you? A. Yes.

Q. Do you remember telling him that one of two men would be appointed police commissioners in a few days by the mayor? A. No; I don't remember.

Q. Will you swear you did not? A. I think not, sir; but I don't remember.

Q. Don't you remember telling him that either John P. Millholland or Michael Kerwin would be the new police commissioner? A. I don't remember telling him that.

Q. Will you swear you did not? A. I will swear it.

Q. Will you swear anything when you are in the humor; is that it? A. No; I think as much of my oath and my word as you do.

By Senator Bradley:

Q. Your word, too? A. Yes, sir.

Q. It was good last night? A. The word that was pledged to me; he broke his word as well as me, also.

By Mr. Goff:

Q. When you left this court this morning, you knew you might

be called at any time this morning, and I told you? A. I thought it was up at 12 o'clock.

Q. Where did you go? A. I went home.

Q. To Fifty-third street and Eighth avenue? A. Yes.

Q. Who did you see on your way up? A. Not anyone.

Q. Did you talk to anyone in the court-house? A. No, sir.

Q. Or anyone at your home? A. No, sir.

Q. Or anyone backwards or forwards? A. No, sir.

Q. If you have nothing to conceal, why did you want to be excused from this witness stand? A. I never was on a witness stand before, and I did not want to go on.

Q. Don't you know it is the duty of a good citizen to go on the witness stand when it is required by the law of the land to go on the stand and tell the truth? A. Yes; I know that.

Q. And you know it is a good citizen's duty to obey the laws of the land? A. Yes.

Q. And you know it is the duty of the citizen to tell the truth under oath? A. Yes, sir.

Q. If you had nothing to conceal, why did you threaten last night to leave this country, and go back to the old country, as you call it? A. I have nothing to conceal.

Q. Why did you say you would leave sooner than go on the stand? A. Because I never was on the stand before, and did not want to go on.

Q. That is the only reason? A. Yes.

Q. You were willing to give up your home here, and part with your friends, and everything else, rather than go on the stand? A. I have no friends here.

Q. You have got your relatives and relations in the police force? A. Yes; he is on it.

Q. And you were willing to give up all that and go away sooner than go on the witness stand? A. Yes.

Q. And you say you have nothing to conceal? A. Nothing.

Q. And that is the only reason you tried to get off going on the witness stand? A. Yes, sir; I never was on the stand before.

By Senator O'Connor:

Q. When you went to see Mr. Goff last night, had you made up your mind to go on the stand and testify? A. Yes, sir; I knew I was to be on it.

Q. At that time you made up your mind to testify to what you now say is a lie? A. Yes.

Q. And between last night and this morning, you made up

your mind to tell the truth? A. I did; I made up my mind to tell the truth.

Q. That is your excuse? A. Yes.

By Mr. Goff:

Q. Did you ever acknowledge or state to any person that you received money or paid money to any person to aid another in getting on the police force? A. I never did; I never did.

Q. And did you ever acknowledge in the hearing of any person that you were engaged in the business of doing that thing? A. No, never; I never was engaged.

Q. And that you could get almost anyone on the police force by paying the money? A. No, sir; it is an unfounded lie.

Q. Or to any person? A. No.

Q. Just as unfounded a lie as you told me last night? A. A hundred degrees more.

Q. A hundred degrees more? A. It is a monumental one, that one.

Q. It is suggested to me by my associate, when you were first asked it, where you went, you say you were out in the hall in the court? A. Yes; so I was in the hall.

Q. You could not get out of the court house without going through the hall? A. No.

Q. Did you linger in the hall? A. About that time.

Q. Where? A. Just along out there.

Q. What did you linger along there for? A. Waiting to get back.

Q. How long did you linger? A. I got an officer or some big man to say — the very man that you told to let me in this morning — that some man says to me I am a witness here by Mr. Goff, and I want to go in; I have no subpoena here; kindly let me in, and I came and stood there a long time, and I had no breakfast this morning and came home to get my breakfast, and I came down to see you; and I turned around and went home to Fifty-third street and Eighth avenue, and ate my breakfast at that time, and came back again.

Q. I suppose you were chuckling to yourself this morning about my asking you those questions on the stand? A. It has been on my mind since I got the subpoena.

Q. I mean, you having lied to me and pledged me your word of honor; you knew I would ask you those questions on the stand, didn't you? A. Yes; why did you send a man up to me to lie?

Q. Why, Mr. O'Kelly— A. There was lies all around; and I thought I might as well have my share of it.

Q. You knew that I would ask you of those matters on which you lied to me last night? A. Yes; I was most sure you would; of course, I did not know what you would ask me.

Q. You knew I would ask you what you told me? A. Now, as a gentleman, why did you ask me?

Chairman Lexow.—Don't ask any questions.

Senator Bradley.—You be quiet; do you understand? Answer the questions, and don't put questions.

Mr. Goff.—I think, Mr. Chairman, I shall not inflict the presence of this witness any longer upon you. You may step down.

Arthur F. Dennett, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—I suppose, in the matter touching the presentation of things rising before this committee to a grand jury, the sergeant-at-arms of this committee is authorized to take such action as he thinks proper on the advice of counsel.

Chairman Lexow.—I understand so.

Senator O'Connor.—Why, certainly.

Chairman Lexow.—Of course, a matter of that kind would have to be brought formally before the committee.

Q. What is your Christian name? A. Arthur F. Dennett.

Q. You have been for some time employed in the Dr. Parkhurst Society? A. I have, sir, since November last.

Q. How long have you been in New York? A. Four years; previous to that, during the winter, and after a year, the entire amount of a year, I was there, and before that—five winters in all.

Q. And when, a few weeks ago, the work of this investigation started, you were directed to report to him? A. I was, sir.

Q. Now, do you remember being asked, under my instructions, to visit the workshop of this Mr. O'Kelly, that was on the witness stand? A. I do, sir, very well.

Q. Can you give the committee the date you first visited him? A. The first occasion was May 11th about 4 in the afternoon.

Q. Can you state to the committee what were your instructions generally, not specifically, what purpose you had in going there? A. To ascertain for the people the method of getting appointments on the police force in New York.

Q. And I instructed you to go there? A. You did, sir.

Q. And the nature of the questions to ask? A. You did, sir.

Q. Now, I ask you to tell the committee what took place between this O'Kelly, as well as you can recollect? A. I made other visits to Mr. O'Kelly; the first one was on May 11th; I went to his place of business; I think there were two other men engaged in repairing shoes; and I asked if Mr. O'Kelly was in, and the last witness responded to that name; I told him I would like to have a word with him privately; he motioned me to a seat some way from the other men, and asked me what he could do for me; I told him I was desirous of receiving an appointment on the New York police force; that I had been sent to him by a friend of mine; and he immediately asked me who it was; says I, "This friend of mine told me several times and impressed on my memory not to reveal his name;" he says, "Is he in the dry-goods business;" I told him he was in the dry-goods business; he wanted to know if he was down on Worth street, and then whether he lived up in that vicinity; I told him "Mr. O'Kelly, I am in confidence of this man and will not reveal his name;" he seemed satisfied with me then; he asked me how long I had been in town; I told him six months; he said, "When you go before the board you say 12 months; and I told him I understood it was necessary in New York in order to receive an appointment that one must have a pull; and he assured me that was a fact; that the civil service examination did not amount to anything; as he told me several times in this interview, and the two subsequent ones, that he had men appointed on the police force who had received a low mark over the heads of men who had received a high one, over a 100 per cent. and was still on the waiting list.

Q. The men who were on the high list? A. Yes; they were waiting; I told him I did not know that I could pass—I could pass the physical examination, but I was a little in doubt as to my familiarity with the city; and he went to a desk and produced an examination paper on the Civil Service Commission relative to the police appointments; I think he said it was last year one; that can be ascertained, however, by some of the questions which were on it; as to the location of the several houses; the Metropolitan Hotel, Broadway Central, the coroner's office, St. George's church, Broadway Tabernacle, and several others I do not remember; and after a while he—I told him I was willing to do what was right, I had some money; he wanted to know if I had the ready money; I told him I could turn it into money; I had some stock; I mentioned several railroad companies I had some stock in, and I asked him if it was necessary to sell the stock at once; he said it was not; that the next examination

would be in January and that I would have to pay no money until after I had received my appointment on the police force; at a subsequent, the next interview, he suggested that I have \$50 of ready money as a sort of retainer to insure my good faith in the matter; he said that on previous occasions he had introduced people to Commissioner McClave and they did not keep faith; they had backed out of it; by the way, the first few minutes of the interview he said "I wish you had been here before, because I could send you down with a friend with a letter to Mr. McClave" and I was to go the next day.

Objected to by Mr. Nicholl as hearsay.

Chairman Lexow.—I do not think the latter part of the testimony is competent in any sense.

Mr. Nicoll.—Here are two men, come together, a detective and a shoe dealer on Eighth avenue, and have a conversation upon which one is lying to the other, about getting on the force; is that to be used as evidence in any tribunal against a public officer; can it possibly be accepted by any tribunal?

Senator O'Connor.—It is not evidence of anything; it is simply evidence that this man was lying.

Mr. Goff.—It is simply a contradiction of his statement.

Chairman Lexow.—I do not think an individual should be made a target for a conversation of that kind, but let him state the conversation. He need not give the name of the commissioner unless he directly connects the commissioner with it.

Mr. Goff.—Of course, you see, gentlemen, this is not an investigation against Mr. McClave; he is not a defendant here. This is an investigation to show you, gentlemen—to enlighten your understanding of the condition of affairs touching the police department of this city. Here is a man put on the stand and asked certain questions: Do you state so and so? Did you mean so and so? He says no. In all the courts of law questions of materiality may be contradicted, yes, answers to questions which are material to a point of inquiry may be contradicted, and admissions of the witness made outside the court-room to other parties may be shown to have been made; therefore it is simply enough to say that this man had a conversation with this O'Kelly. I submit here it is no question in your mind that it goes on record in a sense of affecting Mr. McClave or in no way impeaching him or in any way affecting him. I do not mean to say that. It goes to make up the whole system.

Chairman Lexow.—Do you propose to connect Mr. McClave with this particular transaction?

Mr. Goff.—It would be very unjust to Mr. McClave if I suggested such a thing. I want to be fair to Mr. McClave and every-

body else. The simple matter is I received what I considered authoritative information that this man O'Kelly had been doing business for quite a long time, and I sent this man to obtain what information he could. I regarded it as of great importance to this committee. He is retelling information he received. If this man had not been called and inquired into that question, of course, I would not offer this testimony. This testimony simply has a bearing upon the testimony of the witness O'Kelly, and nothing more.

Senator O'Connor.—What do you say, Mr. Goff? For instance, you put on this stand before this committee a witness who admits he is a liar, and every body believed it, I think, who heard him testify to prove certain facts; he goes back on the facts he was called to testify. He admits he lied. Now, you put this very witness on the stand to prove this man is a liar, and that everybody knows he is; how does that strengthen the case?

Mr. Goff.—I do not want to bring coals to New Castle.

Senator O'Connor.—If a man confesses he is a liar nobody takes any stock in his testimony having any genuineness in it. Mr. McClave's name ought not to be dragged into it.

Chairman Lexow.—Why not leave the name of the commissioner out?

Mr. Goff.—When the name of the commissioner may have been mentioned by this O'Kelly, or the name of any individual outside of the commissioner, do not mention the name.

By Chairman Lexow:

Q. Go on and state your conversation. **A.** When I went to him on the second occasion I was to receive a letter to this commissioner, but he stated that he had had a conversation—a talk with this friend of his and who was a sort of go-between between him and the commissioner, and who he afterwards stated was the latter—

Mr. Nicoll.—Objected to.

Mr. Goff.—Do not state the name.

Mr. Nicoll.—They have mentioned names and it is on the record here. The whole conversation was in regard to Commissioner McClave. How can such evidence be received from the lips of such a man? Here is a man on Eighth avenue and a detective meet together and the detective goes up to deceive this man.

Chairman Lexow.—There is no use of you summing up that question. I think any conversation between this man and the other witness is competent; but it is not necessary to drag any,

names of any persons of whom there was hearsay. Go on with your statement without mentioning names.

By Mr. Goff:

Q. State the conversation between O'Kelly and yourself, and leave out the names he mentioned or indicated? A. As I before stated, I was to receive that letter on this second visit, and this man O'Kelly told me that there was to be a new commissioner appointed, and his friend thought it would be advisable for me to wait until this new commissioner was appointed; he also stated that he had a policeman who had been on the force five or six years, who was to be appointed a roundsman, and he was going to wait also; and he says, "When you notice in the paper that a new commissioner has been appointed, you come up and see me."

Q. Was that on the second visit? A. That was on the second visit; I also made a third visit, in which he gave me this book.

Q. This little book here? A. That little book.

Q. This "Manhattan Island"? A. Yes.

Q. What did he tell you when he gave you this little book? A. I expressed a good deal of doubt as to my ability to pass the examination in reference to the locality of the particular points of interest, such as would be asked the policemen; he said he will give me this little book to polish up on, and he said, "In case you do fail, I have a friend in the examining board who furnishes me the examination papers in advance;" that he had been able to get through in the past and thought he could do so in the future; that in case I fell below the 85 per cent., the requisite standard, that he had a way by which he could mark me up 10 per cent, so I could pass; I told him, says I, "Mr. O'Kelly, if I pay this money I want to be sure of the appointment;" I told him, "Supposing there are 400 other men that put up money, and there are only vacancies for 100, how am I to get the appointment; you say you are dead sure of the appointment;" he said, "There is no doubt about it at all;" that I would not have to pay any money other than the \$50 as an assurance of good faith, until after I received my appointment.

By Chairman Lexow:

Q. Did he say how much you were to pay then? A. The balance of the \$400, which was \$350; I also wrote him a letter, saying that I would like to meet this friend of his; he did not answer it, and the next time I went to see him I asked him why, and he said, "In matters of this kind we do not do much writing;" we verbally understood that this \$50 was to be put in a

bank in my name, as I understood, until it was a dead sure thing, and until I was comfortably fixed on the police force.

By Mr. Goff:

Q. Do you mean the whole sum? A. No; \$50; that was to be put in the bank and the balance was to be paid after I received my appointment and was a full-fledged policeman.

Cross-examined by Mr. Nicoll:

Q. You were not an applicant for the police force? A. No, sir; only just to ascertain how the thing was done; that is all.

Q. You told him you were an applicant? A. I did.

Q. That was a lie, wasn't it? A. I told him I was; you can put what construction on it you please.

Q. It was untrue, to put it in a less offensive way? A. I have already told you it was untrue; I have told you what I said; you can draw your own construction.

Q. You told him you had been sent to him by a friend who was in the dry goods business; is that true?

Chairman Lexow.—We understand every statement made by him or Mr. O'Kelly was untrue; we understand he went there as a defective for that purpose. Therefore, there is no use of occupying the time of the committee in a knowledge of facts have been gone over.

Q. Is it true that every statement you made was untrue? A. No; not entirely; if I had gone and told him that Mr. Goff sent me here—

Q. You need not argue with me; answer the question, was it true that you had railroad stocks? A. Yes, sir; that is true.

Q. That you have got? A. Yes, sir.

Q. Was it true that you had stocks in several railroad companies? A. Yes, sir.

Q. What railroad companies have you stocks in? A. In the Baltimore and Ohio.

Q. Do you keep a bank account? A. Burlington and Quincy, General Electric, Chicago Junction, Union Stock Yard, C. C. and St. L.; I forget the others.

Q. Are you employed by the Parkhurst Society? A. I am with them temporarily.

Q. What is your salary? A. Twenty dollars a week.

Q. Now, you have got stocks in the Burlington and Quincy; how much? A. I think about—railroad stocks I think I have \$1,000; something like that.

Q. You have a small holding? **A.** Yes, sir; a small holding; bought them last summer when times were dull and stocks were cheap.

Q. Bought them last summer? **A.** Yes, sir.

Q. You were employed by the Parkhurst Society then? **A.** No, sir.

Q. That was before your employment by that organization? **A.** Yes, sir.

Q. You are holding them for a rise? **A.** Yes, sir.

Q. Do these investments of yours yield you a revenue as large as the revenue coming to you from the Parkhurst Society? **A.** I am not in with the Parkhurst Society for revenue; I have a pretty strong sympathy for Dr. Parkhurst and only for that purpose; the money consideration was a secondary consideration.

Q. Your sympathy is the real reason? **A.** Yes, sir.

Q. Would you give up the \$20? **A.** I will work for nothing if they get financially embarrassed; yes, sir.

Q. How long have you been getting the \$20? **A.** Well, I will say that when I first—I really could not tell—about two months I should think.

Q. How much did you get before that? **A.** Seventeen dollars and fifty cents.

Q. Your salary has been raised? **A.** Yes, sir.

Q. How much did you get when you first became a detective for them? **A.** Fifteen dollars.

Q. Fifteen dollars? **A.** Yes, sir.

Q. When was that? **A.** The first of November.

Q. Who did you make the deal with? **A.** I left it entirely I think with the society; Mr. Moss, I think, perhaps.

Q. Did you tell Mr. Moss you would work for nothing? **A.** I left it entirely with him.

Q. You left the amount of your salary with him? **A.** I think I did.

Q. Did he tell you what your salary would be? **A.** He insisted upon my mentioning something; I told him \$15.

Q. Fifteen dollars? **A.** A week; yes, sir.

Q. That was subsequently raised as you have stated? **A.** Yes, sir.

Q. Where did you come from, and where had you been prior to last November when your sympathy for the Parkhurst Society drove you to New York to earn a salary of \$15? **A.** I am a hotel proprietor in New Hampshire.

Q. You keep a hotel? **A.** I keep a hotel.

Q. Where is this place? **A.** This is at Weirs.

Q. Weirs; where is Weirs? **A.** Weirs is 100 miles from Boston, on Lake Winnepesaukee.

Q. How long have you been keeping a hotel there? A. About five years.

Q. A large hotel? A. I can accommodate about fifty people; keep a general store in connection with it.

Q. You keep a store there? A. Yes, sir.

Q. You have given up that business? A. No; I am with the Parkhurst Society to assist them all I can.

Q. You have come down from New Hampshire to do a little missionary work? A. Yes, sir.

Q. To come and have a few days' conversation with O'Kelly? A. Yes, sir.

Q. And you left the store and hotel to do a missionary work? A. Yes, sir.

Q. You are satisfied with the job, are you not; you are satisfied you are doing the right thing? A. I am satisfied there is a large missionary field for that kind of operation.

Q. And you are satisfied with what you do? A. Yes, sir.

Q. When are you going back to the store and hotel?

Chairman Lexow.—That is unimportant.

Witness.—Just as soon as they can dispense with my services; I will stay with them as long as I can be of any service to them.

Chairman Lexow.—Any more witnesses?

Mr. Goff.—No, sir.

Chairman Lexow.—The further proceedings are adjourned until Friday morning at half-past 10 o'clock.

Proceedings of the eighteenth meeting of the committee in the city of New York, Friday, June 1, 1894, at 10:30 a. m.

Present.—Committee all present, except Senator Saxton. Counsel on both sides present.

Chairman Lexow.—The committee will come to order.

John E. Leonard, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What precinct are you attached to, officer? A. At the present time?

Q. Yes. A. The Twenty-eighth precinct.

Q. How long have you been on the police board? A. Ten years last January.

Q. You are yet a patrolman? A. Yes, sir.

Q. How long have you been in the Twenty-eighth precinct? A. Since the 16th of November.

Q. That is Captain Westervelt's? A. At the present time; yes, sir.

Q. What precinct were you in before that? A. The Twenty-fifth precinct.

Q. That was Captain Strauss? A. Yes, sir.

Q. The station-house was where? A. In Sixty-seventh street, near Third avenue.

Q. In what Assembly district is that? A. The Twenty-second, I think.

Q. The lower part of the Twenty-second Assembly district? A. Yes, sir.

Q. You were in Captain Strauss' precinct, up to the 15th of November of last year? A. On the 16th of November I reported at the Twenty-eight precinct.

Q. You were changed without any application on your part? A. Yes, sir.

Q. You are aware, no doubt—you are a police officer with a good record? A. Yes, sir; pretty fair.

Q. You are aware, no doubt, that the law protects you for any testimony that you may give before this committee; you understand that, do you not? A. Yes, sir.

Q. My report of you is, that you are a decent, honorable man, and I ask you now, if you feel under the obligation of your oath, you came here under a subpoena? A. Yes, sir.

Q. You are compelled to come here? A. Yes, sir.

Q. You do not come here of your own free will? A. No, sir.

Q. Will you tell the committee if you had any trouble in relation to the performance of your duty on last election day? A. Well, I had no trouble.

Q. You were assigned to a polling place, were you not? A. Yes, sir; I was.

Q. What polling place was it? A. It was between Sixty-seventh and Sixty-eighth streets, on the east side of Third avenue.

Q. And you went there at 6 o'clock in the morning? A. Yes, sir.

Q. And of course you went there to perform your duties as a police officer, without regard to political parties? A. Yes, sir; I did.

Q. Or without regard to politicians? A. Yes, sir.

Q. During the time that you were on duty there, do you remember a man by the name of Kelly? A. Yes, sir.

Q. The sort of a loafer, do you remember him? A. I do.

Q. Do you remember that you cautioned him to keep away from the rail of the polling place several times? A. I cautioned him not to give out a paster in the polling place, as I thought I saw a paster that he was giving out; I warned him to stay outside and keep his distance.

Q. And, of course, you understood that it was your duty to keep all persons away, no matter who they were, from that rail? A. Yes, sir.

Q. And you warned this fellow, did you? A. Yes, sir.

Q. He appeared to be a worker there, did he not? A. He did.

Q. After you warned him several times, did he go in behind the rails, follow a voter into the booth? A. Not that I know of; I was placed on the outside, and at the time I cautioned him, I happened to turn around and see him inside of the door; and offering this voter a paster, as I thought it was, but I did not see him go into the booth.

Q. But you saw him offer a voter a paster? A. I did, and I put him, outside the door, and told him to keep 150 feet away from the door.

Q. After that, did Kelly complain to anyone about your action, in ordering him away from the polls? A. Not that I know of, but I believe that he went around to the station-house, or if he didn't the president of the club did.

Q. The president of the club? A. Of the Lenox Hill Club.

Q. That is a Tammany Hall Club in that district? A. Yes, sir.

Q. Of which Mr. Ryan or Mr. Dunn — Mr. Dunn is the leader.

Q. And the president of the club? A. The president, I don't know what his name is; he is a plumber.

Q. Did any officer go from the station-house to you? A. Yes, sir.

Q. Was there anything said about your being "too fresh" and a complaint made against you for the performance of your duty? A. Not to me there wasn't.

Q. What officer came to you from the station-house? A. Officer Cowley.

Q. What did Officer Cowley say or do? A. He told me to report to the station-house, that I was relieved.

Q. Did you report to the station-house? A. I did afterward.

Q. To what officer did you report at the station-house? A. Sergeant Casey was at the desk.

Q. When you were sent on duty that day to the polling place, you were assigned for all day, were you not? A. As a general thing, except when we go for our dinner, and we can go to vote.

Q. Yes; but you understood that you were on duty with that exception for the whole day? A. Yes, sir.

Q. After you reported to the station-house, what disposition was made of you for the balance of the day? A. I was allowed to get my dinner, and to go and vote, and to come back as soon as I possibly could.

Q. And when you returned, what disposition was made of you? A. I was sent up to Seventy-sixth street and Third avenue.

Q. Who sent you there? A. Sergeant Casey, by orders of the captain.

Q. Was there anything particular at Seventy-sixth street and Third avenue? A. Not that I know of.

Q. An ordinary patrol beat? A. Yes, sir; to keep order at the four corners.

Q. Did you see anything or hear anything said about your being sent up to watch an old fence? A. I was sent to watch the fence.

Q. This fence was along the street? A. The fence was between Seventy-second and Seventy-fourth streets, on the east side of the Boulevard.

Q. And you got orders to go and watch that fence for the balance of the day? A. I did; about half-past 3 in the afternoon.

Q. And you went of course, and obeyed the officer? A. I did; my roundsman ordered me.

Q. And you watched that fence? A. Yes, sir.

Q. Did you hear anything at all about your action on election day, until you were removed from that precinct? A. No, sir.

Q. The first thing you heard after that was, you were transferred the following Tuesday.

Q. You made no application for the transfer, did you? A. I did not.

Q. Are you a man of family? A. Yes, sir.

Q. Where did you reside at that time? A. Three hundred and twelve East Ninetieth street.

Q. And you have been kept in that precinct ever since, where you are now? A. Yes, sir.

Q. Can you tell these gentlemen of the Senate committee if you know of any cause or reason whatever for your transfer from the precinct in which you were stationed on last election day to the precinct to which you have been removed, except your action that day in keeping this loafer away from the polls? A. No, sir; no reason whatever.

Q. That is the only reason, so far as you know? A. So far as I know.

Cross-examination waived.

Rhoda Sandford was then called and sworn, and then withdrawn from the stand, on account of faintness.

Charles Priem, being duly sworn, testified as follows:

Senator Bradley.— Kiss the book.

The witness made a pretence of kissing the book.

Mr. Goff.— I would suggest that you can open the leaves of any part of the book and kiss it.

Senator Lexow.— Certainly, he can open the book and kiss it.

The witness then opened the book and kissed it.

Mr. Goff.—You have come here under a subpoena? A. I have.

Q. And against your will? A. Yes, sir.

Q. Do you know what this Senate committee is for? A. Yes, sir.

Q. Are you aware of the fact that any witness who testifies before this Senate investigating committee is protected by the law from all oppression or persecution; are you aware of that fact? A. Yes, sir.

Mr. Goff.—Will the chairman be good enough to instruct the witness to that effect?

Chairman Lexow.—You are protected absolutely, both under the Code and otherwise, from any intimidation, punishment, coercion or oppression by reason of any testimony you may give here, and we will see, so far as we can, that you are protected; so speak openly and frankly.

Q. Where do you reside? A. At present at No. 5 St. Mark's place.

Q. Did you ever reside in Bayard street? A. Yes, sir.

Q. No. 28 Bayard street? A. Yes, sir.

Q. You kept a house there in which were lady boarders? A. Yes, sir.

Q. For how many years did you keep the house? A. Going on six years.

Q. These girls were for the use of men who came in there? A. They were fancy girls.

Q. In other words, to be plain with each other, it was a house of prostitution? A. I think so.

Chairman Lexow.—There is to be no levity in this room at all.

Mr. Goff.—I would suggest that it involves a great deal to this witness, and I suggest that the audience be kept in order, so that his answer should not be turned into ridicule.

Q. Were you ever raided during those six years? A. Yes, sir.

Q. How many times? A. Once.

Q. How many years ago is that? A. A year ago.

Q. So that you were five years keeping that house before you were raided? A. Just about that.

Q. In whose precinct was that during those five years; who was the captain? A. When I first came there it was captain—my memory is not very good for names—if you will help me along, I will tell you.

Q. Was it Captain McLaughlin? A. He came afterwards.

Q. Was Captain Cross there? A. Yes, sir.

Q. The first captain when you went there was Cassidy, was it not? A. Yes, he was the captain of the precinct at the time I bought the house.

Q. Then Captain Cross followed Cassidy, and then McLaughlin, who is now inspector, followed him? A. Yes, sir.

Q. What captain followed McLaughlin? A. Captain Devery.

Q. He is down now in the First precinct? A. Yes, sir.

Q. And after Captain Devery came, you were raided? A. Yes, sir.

Q. The present captain is—he is the present captain.

Q. What captain was in the precinct when you were raided?

A. It was Captain Cross that raided me.

Q. You paid money from time to time, every year or every month, before you were raided, did you not?

Mr. Nicoll.—I object to the evidence being put in that way.

Chairman Lexow.—I will admit the direct question, "did you," instead of assuming that he did.

Mr. Goff.—I do not think, however, it is proper for Mr. Nicoll to make an objection just at this juncture. You do not appreciate, perhaps, the embarrassing position of this witness, and the difficulties that surround our position in reaching testimony of this kind.

Q. You are a fair-minded man; will you state to this committee if you have ever paid any money to any official there; tell it in your own way? A. I do not undersand it perfectly.

Q. You have heard about what is called "protection," have you not? A. Well, some way, yes.

Q. Do you know anything about a ward man going around there and getting money from the houses in that neighborhood? A. Oh, God, yes.

Q. Did he collect money from you, the same as from other houses? A. I guess so.

Q. How frequently?

Chairman Lexow.—This laughter and levity must cease or we will clear the room if there is any more laughter.

Mr. Goff.—At the next outburst, I shall move the committee to clear the back seats.

Senator O'Connor.—And clear the inside ones, too, unless they behave themselves.

Q. Did you pay by the month? A. Yes, sir.

Q. How much a month did you pay? A. When I first had the house, it was less than later.

Q. How much was it when you first got the house? A. I paid \$25 a month.

Q. That was under Captain Cassidy? A. Under Captain Cassidy.

Q. Who was the ward man to whom you paid the \$25 a month?

A. The ward man at that time?

- Q. Yes? A. I think his name is George — let me see —
- Q. George was his first name? A. Yes, sir.
- Q. Do you know where he is now? A. Yes, sir.
- Q. At police headquarters is he? A. Yes, sir.
- Q. Is his name Connors? A. Yes.
- Q. He was a ward detective at that time? A. I knew him as the ward man.
- Q. He used to come around to your house to collect this money, did he? A. No, I generally met him at the corner.
- Q. That is, by arrangement, you would meet him? A. Yes, sir.
- Q. And it was an understood thing between you and the ward man that you should not be molested or disturbed in the house, as long as you paid this money? A. That is the way I understood it.
- Q. And so long as you paid it, you were not molested? A. I felt secure then.
- Q. I suppose that you always paid in bills? A. Yes, sir.
- Q. Did this wardman, Connors, ever tell you that he wanted the money in bills — you always paid him in bills? A. Yes, sir.
- Q. When was the price raised? A. I am not sure; I am not quite positive, but I think the price was raised under Captain Cross; I am not sure, but I think that was the time.
- Q. That is your best recollection? A. Yes, sir.
- Q. You continued to pay under Captain McLaughlin also \$25 a month — Captain McLaughlin succeeded Captain Cassidy?
- Mr. Nicoll.— No; you have got them wrong.
- Q. Well, the pay was raised under Captain Cross; that is the best that you can recollect? A. Yes, sir; I am not quite positive.
- Q. How high was it raised? A. It was raised from \$25 to \$50.
- Q. To \$50 a month? A. Yes, sir.
- Q. Who was the wardman to whom you paid the \$50 a month under Captain Cross; do you remember his name? A. I think his name was Smith.
- Q. And he came around, and collected the \$50 a month, the same as Connors did? A. Just the same way.
- Chairman Lexow.— Get his first name, if you can.
- Mr. Goff.— I have not got his first name just now. I think I can supply it.

By Chairman Lexow:

- Q. Do you remember his first name? A. I do not.

By Mr. Goff:

- Q. Do you remember when Captain Cross first went into the precinct, did you not pay a lump sum of money? A. When I first got there?

Q. Yes? A. No, sir.

Q. Do you not remember paying a large sum of money, \$500?

A. Oh, that came afterwards.

Q. After he was in the preceinct? A. Yes, sir; right after he had raided me.

Q. To whom did you pay the \$500? A. To the wardman.

Q. Was it to this same Smith? A. To that very Smith.

Q. To that very Smith, you paid the \$500? A. Yes, sir.

Q. How did you pay the \$500; just tell the Senators how you paid the \$500? A. I paid it in bills.

By Mr. Bradley:

Q. All down at once? A. Yes, sir.

Q. Five hundred dollars in bills at once? A. Yes, sir.

By Mr. Goff:

Q. Where did you pay the money? A. I can not recollect where, whether it was in my own house, or some other place; I could not tell you.

Q. What did you pay the \$500 for; what was it that you understood you paid it for? A. I did not understand it myself at the time, but I supposed it was what they called initiation fee.

Q. Then the agreement or understanding was that \$500 initiation fee and \$50 monthly? A. Yes, sir.

Q. Who told you that; was it the wardman who told you that that was the initiation fee, \$500? A. That was the price.

Q. And you were to be allowed to do business in your house, on payment of that money? A. That was the understanding.

Q. Did you have a bank account at that time? A. Yes; likely.

Q. Was there anything said by the wardman about your paying him in bills? A. No.

Q. You understood that the payment would have to be made in bills, did you not? A. Yes, sir.

Q. You continued to pay about the first of every month, did you not, the \$50, after paying the first \$500? A. Yes, sir.

Q. When Captain Cross left the precinct and Captain McLaughlin came, did you continue to pay the \$50 a month? A. Yes, sir.

Q. Had you a new initiation fee to pay then? A. To whom?

Q. To the new captain or the new ward man? A. Why, certainly.

Q. How much initiation fee had you to pay to the new ward man? A. Well, I can't tell whether it was five or three.

By Senator Bradley:

Q. Five or three what? A. Five hundred dollars or \$300.

Q. You can not remember which? A. No, sir.

Q. Was that in addition to what you had already paid? A. Yes, sir.

Mr. Goff.—Yes; that was under the new captain; the new initiation fee.

By Mr. Goff:

Q. Do you not remember; refresh your memory a little, of stating at the time to friends of yours, that you had to pay \$500 to the new captain, instead of \$300, do you not think it was \$500? A. Yes, sir.

Q. And under the new captain, what was the wardman's name under Captain McLaughlin? A. Names I forget, but if anyone helps me to it, I will tell you whether it is so or not.

Chairman Lexow.—Mr. Goff, have you the name?

Mr. Goff.—No; not just now.

Q. During Captain McLaughlin's being commander of that precinct, did you continue to pay your \$50 a month? A. Yes, sir.

Q. Every month to the ward man? A. Yes, sir.

Q. You met him outside on the corner, the same as all the other ward men, and slipped it to him? A. Like any business transaction.

Q. And that was about the first of every month? A. Just about.

Q. Would you hand it to him in a roll of bills, or in an envelope—just take the money out of your pocket and hand it to him? A. Generally by hand shake.

Q. That is, you would have the \$50 in your hand, and you would put your hand out, to shake hands with the ward man, and— A. Yes; greet him.

Q. And the money would stick to his hand? A. That is the way.

Q. When Captain Devery came into the precinct, did you have to pay a new initiation fee? A. Five hundred dollars more.

Q. Do you remember the name of the ward man to whom you paid the next \$500, when Captain Devery went into the precinct? A. His name, as far as I can remember, was Glennan.

Q. Wardman Glennan? A. Yes, sir.

Q. Do you know if he is with the captain now? A. Of course he is in the same precinct where the captain is now.

Q. That is, with Captain Devery? A. Yes, sir.

Q. Every captain that comes into the precinct takes a new ward man with him into the precinct, does he? A. Generally, the way I understand it.

Q. Can you tell the committee after Captain Devery being placed in command of the precinct, did Glennan call upon you? A. He came to my house while I was not there, and my house-keeper, after I came back said the ward man was here, that he wanted to see you, and he expects you to be at the station at 5 o'clock to-night, or in the evening; all right, I knew very well what it meant, so I went there.

Q. To the station-house? A. Yes, sir; the Eldridge street station-house.

Q. When you went to the station-house, who did you see? A. I inquired at the desk if the ward man was in, and he was called.

Q. Was it Glennan that you saw then? A. Yes, sir.

Q. That was the first time you saw Glennan? A. Yes, sir.

Q. Tell the Senators what you said to him, and what he said to you. A. I gave him my name, and my number, my residence, and he says, "Oh, yes; I have been at your house; I want to see you;" says I, "I am here;" well, we went out on the stoop, and he talked business to me.

Q. What did he say, as nearly as you can recollect? A. Well, he said to me, that they had come there to do business; that they meant business right away; that they would not bother a person first, and then go in business; he said they meant business right away; I understood it; I asked him what the price was, and he said five; said I, "I ain't got it;" "Oh," he says, "you can raise it in half an hour, if you want to;" says I, "I haven't got it;" that was, I think, on Friday, and he says, "I will see you on Monday," and on that Monday he came to my house suddenly; by that time I had raised the money.

Q. You had raised the \$500 by that time? A. Yes, sir.

Q. When you told him you had not got the \$500, you really had not the \$500, had you? A. No.

Q. You had to raise it? A. I had to borrow it.

Q. You at that time knew that if you did not borrow that money, and raise it, that your house would be raided? A. I think I would have had some trouble.

Q. So you borrowed the money and you had the money for him on Monday evening, when he called? A. Yes, sir.

Q. Tell the Senators what he said, when he called, and what you said? A. Well, he called at my house in the afternoon; I can't tell exactly the hours; I brought him in my private room, and pulled down the curtain, and I handed him the money; he counted it very carefully, and he found out that it was \$500, and

he says to me, "Well, where is the 50;" says I, "What 50," says he, "That is all right here, but the 50 for the month; you know we have been taking care of you ever since the 2d of this month, and there is \$50 more;" says I, "I ain't got it;" says he, "Well, all right, let that go until next month, and then it is 100, to make this 50 good, for that month that is past;" says I, "All right; I ain't got it at present, and I will make it up the next month."

By Senator Bradley:

Q. He trusted you for the month? A. He trusted me for \$50.

By Chairman Lexow:

Q. Did he say to whom the \$500 was to go? A. I don't know about that.

Q. He did not say anything about that? A. No, sir; so far as I understand, he took the \$500 to let me do business; wherever that money went to, I have no idea.

Senator O'Connor.—Is the ward man in the employ of the police department?

Mr. Goff.—Oh, yes; and designated in each precinct for private duty.

By Mr. Goff:

Q. The next month came around, did you then pay him the \$100, \$50 for the first month that he trusted you, and \$50 for the present month? A. Every penny of it.

Q. Did you pay him in the house, or did you meet him out on the street? A. I guess I paid it in my own house.

Q. Did you continue to pay Glennon \$50 every month, while Captain Devery was captain of that precinct? A. No; not to the end of it; because I got information to close the door.

Q. Who gave you information; who gave you word to close the door? A. Some one from the station.

Q. Someone from the station-house? A. Yes, sir.

Q. Some of the policemen? A. Yes, sir.

Q. Did you know what was the reason that you had to close the door? A. There was trouble going on, so far as I can judge.

Q. With whom; do you remember what the trouble was about? A. The Parkhurst trouble.

Q. Dr. Parkhurst's trouble? A. Yes, sir.

Q. So you got word to close the house? A. I got word sent to me to close up.

Q. And you did close up? A. I did.

Q. And you did not pay any money after that, did you? A. After I was closed for a length of time, I could not afford it; certainly not.

Q. Did you ever open up again? A. No.

Q. You remained closed? A. Remained closed.

By Chairman Lexow:

Q. Who told you to close up? A. Word was sent to me from the station.

Q. A policeman told you? A. A policeman in civilian's clothes,

Q. But you recognized him as being a policeman connected with that station there? A. Yes, sir.

Q. You knew him? A. Yes, sir.

Q. Do you know his name? A. I do not.

By Senator Bradley:

Q. Would you know him if you saw him again? A. I guess I would.

By Chairman Lexow:

Q. Did he say to you that the reason that he wanted you to close up, was because of the Parkhurst trouble? A. No; he did not give me no reason for anything; he told me to close the door; that is all.

Q. Nor to do any more business? A. No.

By Senator Bradley:

Q. Did he tell you who sent him there? A. No.

By Mr. Goff:

Q. It was a policeman from the station-house? A. Yes, sir.

Q. How long ago is that since you got word to close up, on account of Dr. Parkhurst's trouble? A. I think that trouble set in at the end of October, already.

Q. You own that house, do you? A. I do not.

Q. You rented it? A. I rented it.

Q. Have you given up the house? A. Yes, sir.

Q. Given it up entirely? A. I was driven out of it, dispossessed.

Q. Since this Senate committee has been appointed, did you hear anyone say anything about resuming business when the Senate committee would get through? A. Yes, sir; I have heard something of that sort.

Q. Who did you hear say that? A. I can't give you no names, or anything of that sort, but I think there are a great many waiting until the trouble is all over, and the investigating committee is done with that they will reopen or something like that.

Q. Reopen the houses again? A. That is the general belief, in my estimation.

Q. That is the general belief around among people who have been running those houses? A. Yes, sir.

Q. That is, to keep quiet and keep closed while the Senate committee is here, and after they go away, things will open up again? A. Yes, sir.

By Chairman Lexow:

Q. Were you personally acquainted with the sergeant and the captain at the police station? A. No, sir.

Q. Didn't you know any of the police there? A. I know a great many patrolmen in the length of time I was living there.

Q. They knew you? A. Yes, sir.

Q. They knew the general character of your house? A. I suppose so.

Q. Have you any doubt of it? A. I don't think so.

Q. Every one of them knew it, did they not, as a matter of fact? A. More or less; yes, sir.

By Senator Bradley:

Q. Have any of them ever visited your house in uniform? A. No, sir.

Q. Did they have a drink there? A. No, sir.

By Mr. Goff:

Q. You did not keep a bar there, did you? A. No, sir.

Q. Will you state how much money you paid altogether? A. While I was in business?

Q. While you were there; yes?

Chairman Lexow.—The full amount that you paid to these wardmen?

A. During the five and a half year that I was in business there?

Q. Yes? A. If you will give me a pencil and paper I will figure it; about \$4,300.

Senator Bradley.—He says something about four Christmas coming in that time.

By Chairman Lexow:

Q. You made Christmas presents, too? A. They were generally collected.

Q. In addition to the \$50, they collected a Christmas present?
A. Yes, sir; outside of that.

By Mr. Goff:

Q. Who collected the Christmas presents? A. The same man who took the money.

Q. The ward man? A. Yes, sir.

Q. Did he say what those Christmas presents were for? A. For a gift to the captain.

Q. Were you assessed so much each Christmas? A. All I know I had to come down and pay it.

By Chairman Lexow:

Q. Did they state to the figure to you that you were to pay?
A. Yes, sir.

Q. How much was it? A. The first two years I didn't pay—I paid \$100.

Q. Each year? A. Each year, and then I brought them to terms and didn't pay but \$75.

By Mr. Goff:

Q. For the Christmas after the first two years you paid \$75?
A. Yes, sir.

Chairman Lexow.—If we understand you right, it was not a present, it was a demand there then on you, to pay that amount of money? A. Well, a demand, I don't know.

By Senator Bradley:

Q. Did the ward officer come and ask you for it? A. He did; he came around and said, "Now, Priem, Christmas is coming on, get ready."

By Chairman Lexow:

Q. "Get ready?" A. Yes, sir.

Q. For the Christmas after the first two years you paid \$75?

Q. But at first you paid \$100? A. Yes, sir.

By Senator O'Connor:

Q. Is that in addition to the other money that you paid? A. Yes, sir.

By Mr. Goff:

Q. And the ward man in every case told you that that money was for a present for the captain? A. That is what he said.

Q. Did he not also say that all other keepers of houses were to pay? A. Whether he got it or not, I don't know, but I paid the

money with the understanding that that was to be a gift for the captain.

Q. What I am asking you is, did he tell you that all the other houses were to pay for the captain, too? A. I understood it that way, that we are all dealt with equally.

By Chairman Lexow:

Q. Did you understand that that applied also to the monthly payments, and to the initiation fees, that all were being charged \$500 initiation fee and \$50 a month? A. Yes, sir.

Q. All in that precinct, were they all doing the same thing as you were doing? A. Yes, sir.

Q. And the ward man told you so? A. No, but other people who were in the same business with me, they told me that they were treated the same way as I was; no better and no worse.

Mr. Nicoll.— Does the committee allow that, what other people told him?

By Chairman Lexow:

Q. In your conversation with the ward man, was there any reference made at all, to similar transactions being made with other houses? A. Never.

Q. He did not say that he was charging you the same thing that he was charging others? A. Never; in fact I might say that we had very little conversation; it was only to do the act.

Q. It was sort of understood between you? A. Yes, sir.

Q. Did he say that Christmas presents were being given by every house? A. No; but I know that other houses had to do the same, but he didn't mention it to me.

Q. Did you know any engaged in that kind of business, others similarly engaged, were doing the same thing? A. Yes, sir.

Q. Both with reference to the presents and with reference to the monthly payment, and the initiation fee? A. Yes, sir.

By Mr. Goff:

Q. Will you give the names of those other houses to the Senators that you knew that paid those amounts — can you give the names of the other houses? A. That were under the same circumstances as me?

Q. Yes. A. I can give you a few right in my block there.

Q. Give a few? A. For instance — I don't know their names, exactly.

Q. Give the numbers of the houses, if you can not remember the names? A. The persons who kept No. 22 Bayard street, under the name of French Charlie; there was Charles Davis.

Q. What is his number? A. Thirty-three Bayard; then Mrs. Sandford, the lady who was here a while ago.

Q. What number was her house? A. Twenty-four; then Mrs. Straushall, No. 30; she lives now in Newark; she established herself there; that is about all that I can tell you.

Q. Can you tell of any others in any other block there? A. No.

By Mr. Goff:

Q. Do you know about Mrs. Jones? A. No.

Q. At 26 Bayard street? A. I don't think there is such a number.

Q. You are right, 32 Bayard street? A. Yes; the man goes by the name of Baldy Jones; yes, I know him.

Q. Do you know Mrs. Jones? A. Yes, sir.

Q. Is that the lady over there (pointing to woman)? A. That is the lady.

Q. Does your same remark apply in reference to the last house you mentioned in reference to the initiation fee and the monthly dues, and the same Christmas presents; did they have to pay, too? A. I don't know anything about that; I only know that I had to pay that; I can't tell what others had to pay; what they did pay; but I suppose they were treated the same way that I was.

Q. Do you not remember that in one year, within 12 months, that you paid in every way to the police \$2,200? A. Yes, sir; I figure it that way; that is not much out of the way; not to take an exact year, but inside of 12 months.

Q. Inside of 12 months you paid \$2,200? A. Yes, sir.

Senator O'Connor.— Ask him if he was required to pay anything additional at election times?

Q. About election time were you asked to make any contributions or subscriptions for election purposes? A. They came to me and collected whatever they could.

Q. Who came to you for election purposes? A. From the different clubs, and so forth.

Q. Did you ever hear of a club called the Cammanchee Club in that district? A. Yes, sir.

Q. That is a Tammany Hall club? A. Yes, sir.

Q. Did men come from that club to you to ask you for subscriptions? A. Yes, sir; but they never were successful; they never got a cent of me.

Q. Do you know "Cock-eyed Louis"? A. I do; well.

Q. Did he come to you on a deputation for subscriptions around election time? A. No, sir; not him.

Q. Who did come? A. Well, I don't know; I don't think there was anyone who came personally, but I got letters, sent one after

another, that they wanted me to come and see them; and I knew very well for what purpose; but I didn't do it; I never went to the club.

Q. Do you feel that you have risked your safety by coming here and testifying to-day? A. Well, I must say I didn't like it very much.

Q. You have stated to some person, that if you came here and testified, you would be afraid of what might be done to you? A. I may have said that, but that don't mean that I am afraid of anything.

Q. No; I did not mean to say that you are, but you had a feeling that you would have to get out of New York, if you testified here, did you not? A. Well, yes; I have got feeling.

Mr. Goff.—I wish to say, Mr. Chairman and Senators, that having the honor to act as one of your counsel in this case, that I desire to say to this witness that if any acts of intimidation or annoyance are practiced upon him, to come and let me know immediately, and without any cost whatever to him we shall endeavor to defend and protect him under your auspices, and all other witnesses who may come here.

Chairman Lexow.—I think that is the sentiment of the committee—it is the unanimous sentiment, Mr. Goff, on that point.

Cross-examination by Mr. Nicoll:

Q. Have you conscientious scruples about taking an oath? A. No, sir.

Q. Why then did you hesitate to kiss the book when you took the stand? A. If it was a new one, I would not hesitate for a moment, but I suppose there are so many kisses on that it wasn't necessary.

Q. You are so particular whom you kiss or what you kiss? A. Yes, sir; in that line.

Q. And on that account you hesitated to kiss the book? A. Yes sir.

Q. Did anyone tell you to do that? A. To do what?

Q. To hesitate to kiss the book? A. No, sir.

Q. Was that your own notion? A. That was my own notion.

Q. Are you a native of this country? A. No, sir.

Q. Where were you born? A. I was born, in Berlin, Germany.

Q. When were you born? A. On the 18th day of February, 1845.

Q. What was your occupation in Germany? A. I was brought up in a wholesale business as bookkeeper and correspondent.

Q. Bookkeeper and correspondent for whom? A. That is I learned that; I was apprenticed in a mercantile business

Q. That was the trade that you learned? A. Yes, sir.

Q. With whom were you engaged in that occupation? A. You mean what firm?

Q. That is right? A. The firm of Frederick Martins, in Berlin.

Q. How long were you with them? A. Three years.

Q. Why did you leave them? A. I served my apprenticeship time and as I was not kept in the business I went away.

Q. Did you have any trouble with that firm? A. No, sir.

Q. Where did you go next? A. I next took a place in an India rubber factory by the name of Green; I was salesman there.

Q. Where, in Berlin? A. In the same city, yes.

Q. How long ago was that; what year? A. After I had served my apprenticeship time.

Q. You recollect when that was, don't you? A. In 1860 or 1861.

Q. How long were you in the India rubber concern? A. About a year.

Q. Why did you leave them? A. Because the firm failed, and I went to America.

Q. In 1861? A. I came over here in 1863.

Q. What took you into the business of keeping a house of prostitution; did you keep one in Berlin? A. No; I guess not.

Q. Well, did you; are you sure about that? A. I am positive of that.

Q. You did not keep one there? A. No, sir.

Q. Have you kept houses of prostitution in other places in this country besides New York? A. Never before.

Q. What took you into the business of prostitution here? A. I will tell you simply how I came about it; I was living, or I kept a room, in Third street, and the madame of this house kept the house in Bayard street; that was Mrs. Connelly, now Mrs. Granger; at that time I took a room there, and I got acquainted, I was a single man at the time, and I got acquainted with the servant of the house there, and as Mrs. Connelly was about selling her place, I made a proposition to my present wife, now living, that if she could arrange things, that I would marry her and we would take the place.

Q. That is, you proposed to your wife, that if she would marry you, you would open a house of prostitution? A. That was the understanding.

Q. That was part of the marriage contract, was it? A. What is that?

Q. That was the marriage understanding? A. Yes, sir; at that time.

Q. What did you do in this country after you arrived here in 1863? A. I first became a barkeeper, and then —

Q. Were you not engaged with any house as a bookkeeper, the trade to which you had been brought up to? A. No; that was almost an impossibility at that time, for I did not speak any English, so I was at the time worthless at that business of mine.

Q. Did you make application for any such position anywhere? A. No; not to my knowledge.

Q. You became a barkeeper? A. Yes, sir; I picked up the best I could do at the time.

Q. Where? A. In the Bowery, near Broome street.

Q. Have you lived in New York ever since 1863? A. On and off; I have been four times in California.

Q. How long did you live in New York after your first arrival here in 1863? A. How long did I live here?

Q. How long did you live here after your arrival in 1863? A. A few months afterwards I went to the war.

Q. Were you in the war? A. Yes, sir.

Q. For how many years? A. From the end of 1863 until the expiration of the war.

Q. Then where did you return to? A. After that I guess I was more or less a barkeeper; engaged in several places, on and off.

Q. Tell us the places in New York where you were engaged after your return? A. Before I professionally became a barkeeper I worked in a wholesale leaf tobacco business for three years; the firm of — let me see — William Eckhardt & Co., in Pearl street.

Q. Was that from 1866 to 1869? A. No; it was later than that.

Q. You have not told us with whom you worked after you returned from the war? A. Well, I guess down on the Bowery somewhere; I worked in Central park at the time after the war.

Q. What was the first employment that you did after your return from the war?

Mr. Goff.—I object; this is not a trial before a jury, in which an attempt is made, and properly made, to impeach the veracity or credibility of this witness. Cross-examination of a searching character may be entered into, will be somewhat in the nature of intimidation to the witnesses coming on the stand; they will not want to come, if they find they are to be subjected to a very, very searching examination. It is for this committee to judge of this witness; he has come here and has told this transaction and I think the cross-examination should be limited to those transactions. He has confessed the business he was in; nothing can add to that; whether he was a bookkeeper in Berlin, or whether he came to America in this year or that,

does not affect the question of this investigation at all. I, therefore, submit that it is an important question for this committee that counsel coming here only by courtesy, should be permitted to drag out and lengthen a severe cross-examination that can only have for its purpose really, the intimidation of other witnesses, and can not elucidate any further truth upon this matter than the witness has testified to. I suggest that the counsel should be restricted to the subject-matter that he has testified to on the direct.

Chairman Lexow.—I think counsel has not exceeded the proper bounds of examination, and if the witness wants to evade an answer and appeals to the committee, the committee will then probably act upon an appeal of that kind. It is proper, however, that we should know the surroundings of the witness, in order to judge of his credibility, and his testimony is certainly important enough to justify counsel to putting searching questions on the question of his veracity. If the witness does not desire to answer a question at any juncture, all he has to do is to say that to the committee.

Mr. Goff.—I do not object to that, but I do object to the counsel going over piecemeal by piecemeal, bit by bit into the witness's early life and incidents; it is threshing it over and is wholly unnecessary, and simply prolonging the cross-examination. That need not be prolonged.

Chairman Lexow.—In the interests of justice and fair play, the committee ought to know all the surroundings of the witness, and until the point is reached, until we think the cross-examination is oppressive, we are inclined to give the counsel a fair latitude in view of the serious charges that the witness has made, but when we see it imperils the witness, we will conclude it. Go on; the witness understands that the questions are put to him for the purpose of enabling the committee to see what his past history was, in order to judge whether we can believe what he is saying, and I will say to the witness, that if you do not want to answer a question, ask us to relieve you of it, and then we will come to a conclusion, as to whether we will or not.

Q. What was your first employment after you returned from the war? A. I think I was barkeeper again.

Q. With whom, do you recall? A. No, it is too far back.

Q. You do not recall that? A. No.

Q. Whereabouts in the city of New York? A. When I came back from the war, I stated that I worked in Central Park, in the Casino.

Q. Were you a bartender there? A. No, I was a waiter then.

Q. What was your first employment after you came back from the war? A. Yes, sir.

Q. How long were you a waiter in the Casino at Central Park? A. I worked there on and off for 10 or 12 years.

Q. During some of that time you were in California, were you not? A. Yes, sir.

Q. Did you get regular employment in the Casino in Central Park for a period of time after you came back from the war? A. I was a waiter there engaged by the week.

Q. Was that your only occupation after you first returned from the war? A. Yes, sir.

Q. How many weeks did you work there; do you remember? A. Those details I can't go into because I don't remember.

Q. Can you tell me without going into the details, by years? A. I know that I worked four years continually in a place at the arsenal, Central Park, a little place that belonged to the same firm; I was a waiter there for four continuous seasons.

Q. Do you remember who paid you there? A. The firm that I worked for was Ruckford & Ryan; Ryan was the superintendent of the park, but he belonged to the firm that kept all those establishments in the park.

Q. Were you working there for three or four years? A. Yes, sir.

Q. What was your next occupation, do you remember? A. Yes, sir; I kept a lager beer saloon in Second avenue, next to the corner of Fifty-second street.

Q. Was the saloon in your own name? A. Yes, sir.

Q. Did you have the license? A. I did.

Q. How long did you keep that saloon? A. About a year and a half.

Q. Why did you give up keeping it? A. Because I failed in business, I could not pay my debts.

Q. Did you make an assignment for your creditors? A. No, sir; it was a heavy mortgage on the place, and the person who kept the mortgage, I stated my case to him that I could not run the place any further, and as I did not want to let him in, I said, you can have the place, and he paid me \$1 in lawful money, and went out of the place.

Q. What years were those? A. When I kept that place?

Q. Yes? A. Let me think over it; it must have been — I could not say exactly — 1878 or 1880.

Chairman Lexow.—Do you expect by this method of cross-examination, to ascertain from the witness anything more discreditable than that of keeping a house of ill fame?

Mr. Nicoll.—I have no idea of what I will ascertain from the witness.

Chairman Lexow.—Unless you are prepared to prove that the witness has been engaged in occupation more discreditable than that, it is simply using up the time of the committee to no advantage.

Mr. Nicoll.—I think the most ordinary cross-examination would be to find out the occupation of the witness during the term of years in order that we might know something about the witness.

Chairman Lexow.—We start out with the presumption against the witness, by reason of the occupation that he has testified to; now, if we can not show anything worse than that—

Mr. Nicoll.—I can not show anything, except by a cross-examination; I know nothing of this witness; I never saw or heard of him before.

Chairman Lexow.—We suggest that you do it in a more general way, and not so specifically, otherwise it will take a whole day in the examination of one witness.

Q. What year was it that you kept the saloon? A. Eighteen hundred and seventy-eight, I guess.

Q. Then where did you go? A. You are asking me too many things; I have not got all that in my brain; I was on and off; I went to California from here.

Q. What did you go to California for? A. To better myself.

Q. Why did you leave New York; what was the occasion of your first leaving New York? A. On what ground did I leave it?

Q. Yes. A. I didn't have no ground at all; I intended to better myself; I thought I would do better there.

Q. Was that the reason of your going to California four times, to better yourself? A. Yes, sir; most every time I thought I would do better.

Q. How long did you remain in California on your first visit? A. Ten or 12 months.

Q. What were you engaged in there? A. The same thing that I did here; barkeeper.

Q. Then you came back to New York? A. Yes, sir.

Q. And went to barkeeping again? A. Yes, sir.

Q. Where? A. Well, where? I worked in University place with a person by the name of _____; I worked for him for two years and a half or three; I don't know exactly, and afterwards I worked in a place for a man by the name of Christian Bloom, corner of William and Pearl streets, and I worked there four years.

Q. Then you went back to California again? A. I have not been in California for the last eight years, and then I only made a short stay there.

Q. Starting the last time you returned from California, eight years, have you been in New York ever since? A. Yes, sir; ever since that.

Q. Have you ever been convicted of any offense? A. No, sir.

Q. None whatever? A. No, sir—if you call that an offense, I was once arrested on the excise law; I kept open a little after 1 o'clock.

Q. With that exception, were you ever arrested for any other offense? A. No, sir.

Q. You got back to New York about eight years ago, and during all this time, you have been either a bartender or a waiter—had you at any time practiced the trade to which you had been apprenticed in Germany? A. No, sir.

Q. Have you ever, since you have been in America, either in New York or California, practiced the trade of bookkeeper? A. No, sir.

Q. And all these occupations which you have stated to the committee, namely, that the barkeeper or waiter, all working in the cigar store, or keeping the saloon on your own account, were the only occupations, except keeping a house of prostitution, in which you have been engaged, are they? A. What is that?

Q. The only occupations that you have had, since you came to America, are those of bartender waiter, keeping the saloon, and keeping a house of prostitution? A. That is about all; that was the best way that I could make my living.

Chairman Lexow.—He said he was a soldier in the war in addition to those occupations.

Q. You were a soldier in the war, besides? A. Yes, sir.

Q. What was your occupation just previous to keeping the house of prostitution? A. I was barkeeper, working for a firm by the name of Christian Bloom, corner of Twenty-fourth street and Fourth avenue.

Q. How long had you worked for him? A. About three and one-half years; not at the same place; I was barkeeper for him at the corner of Pearl and William street, but the same man.

Q. Did you rent the house in St. Marks place in your own name? A. Where I reside now?

Chairman Lexow.—You mean Bayard street, do you not?

Q. Did you rent the house at 28 Bayard street; did you take it in your own name? A. No; not when I first took the house; the lease and everything was made out in my wife's name.

Q. When did you first take the house; what year? A. On the 17th of March, 1887 or 1888, it will be six years.

Q. Had you a bank account at that time? A. No.

Q. Who paid for the furniture in the house? A. We bought

the place through influence; my wife raised \$1,000; she paid that \$1,000, and the balance, amounting to four more thousand dollars was made out in notes payable each month, a note of \$300.

Q. From whom did she raise the \$1,000? A. From a well acquaintance of hers.

Q. From a friend of hers? A. Yes, sir.

Q. Who was he? A. Who was he?

Q. Yes? A. He was a man who keeps a kind of a hotel, over near a cemetery — let me see.

Q. Woodlawn? A. No; the Lutheran cemetery, close by that, he keeps a kind of a hotel.

Q. What was his name?

Objected to; objection sustained.

Chairman Lexow.—I do not see that any part of this examination is material.

Q. You gave a thousand dollars down, and paid the balance in notes? A. Yes, sir; that is what I said.

Q. Did you make the notes or your wife? A. My wife had to sign them.

Q. Did you endorse the notes? A. No, sir.

Q. Had you any property at that time at all? A. No, sir.

Q. Had your wife any property, with the exception of the thousand dollars? A. No, sir; not to my knowledge, with the exception of personal effects, clothing and so on.

Q. I mean money or property? A. No sir.

Q. I understood you to say that you first opened this house on the 17th day of March, 1888? A. The 17th of July; that was the time that we took possession of the house.

Q. Is that the date, when you commenced to keep a house of prostitution there? A. If you call it so, yes.

Q. It was a house where you kept girls, was it not? A. Yes; I acknowledge all that.

Q. You say that was the time when Captain Cassidy was a police captain? A. He was the captain of the precinct at that time.

Q. Did you know him? A. I knew him personally.

Q. Did you ever have any transaction with him in your life? A. No, sir.

Q. Did you ever pay Captain Cassidy a cent of money in your life? A. No, sir.

Q. I understood you to say that shortly after you commenced to keep the house, policeman George Conners called on you; is that true? A. No.

Q. Did you go to see him? A. Yes, sir; I had to.

Q. Did you go to see him? A. Yes sir; I saw him.

Q. Where did you see him the first time you saw him? A. It was half a block distance from the Essex Market police court; I didn't know him personally, and I took some persons to introduce me to him.

Q. Where was the next time you saw him? A. The next time — then I saw him regularly every month.

Q. That is what you have testified to? A. Yes, sir.

Q. Who was the person whom you took to introduce you to him? A. Let me see — I know the name that I don't think of it now.

By Chairman Lexow:

Q. Was he a friend of yours? A. I was acquainted with him; he was a barkeeper at the time, and worked for a person by the name of Regan in the Bowery.

By Mr. Nicoll:

Q. Tell us his name or say that you can not recollect. A. As soon as I get at it, I will let you know.

Chairman Lexow. — If you don't remember, say so. A. In names and numbers, I am bad in memory.

Q. Had you any conversation at this first interview with Connors, in which your friend was present, about keeping a house?

A. He was not present; he only introduced me, and then he left.

Q. Do you recall his first name yet? A. I will drop on it before I leave the court-room.

Q. No one was present at this first interview that you had with Wardman Connors? A. No, sir.

Q. No one was present during the time when you say you met him on the corner of the street, was there? A. No, sir.

Q. Had you any bank account from which you drew these various sums of money? A. No, not at that time.

Q. When did you first open a bank account? A. That was after I was over two years in the business, and had paid all my notes and everything; I had a few hundred dollars over, and I put it in the savings bank.

Q. You had no bank account then during the time when you say you gave money to Wardman Connors? A. No, sir; I didn't have no account at all then.

Q. How long did Captain Cassidy remain in that precinct? A. I can't exactly say how long; I think it was a year or over, or a year and a half; I can't tell; I know that he retired, and died a few days afterward; that is all I know about it.

Q. I understood you to say that you were raided under Captain Cross. A. I was.

Q. Were you arrested? A. No, sir.

Q. Were you indicted? A. I didn't leave at the house; when I found out there was a warrant against me, I discharged everybody and only kept a housekeeper there, and she took care of the house, but I didn't do no business at all, but the warrant was out, and it was issued at a certain —

Q. Not against you, but against the keeper of the house generally? A. Against my housekeeper.

Q. I understood you to say that when Captain Cross took charge of that district, you paid the sum of \$50 a month, is that true? A. Yes, sir.

Q. To whom did you pay that money? A. To his wardman.

Q. What is his name? A. I guess his name was Smith.

Q. Did you ever pay a cent of money to Captain Cross? A. You mean personally?

Q. Yes. A. No, sir.

Q. Did you ever have any transaction with him? A. No, sir.

Q. I understand you to say that you paid \$50 a month to Smith? A. I guess that is his name; I don't know exactly, but I think it was.

Q. Where did you take that money from, from any bank account? A. I had always a certain sum of money handy to pay those — my bills, and whatever was connected with the business.

Q. I did not ask you that; I asked you whether you took it from any account — did you have a bank account that you took it from? A. No.

Chairman Lexow.— He had an account in the savings bank; not a regular bank of deposit.

Mr. Nicoll.— That was later on.

Q. Who introduced you to Officer Smith? A. That I can not tell you.

Q. Was anyone present during any of the conversations that you had with Officer Smith? A. No, sir.

Q. Was anyone present during any of the transactions that you say you had with Officer Smith? A. No, sir.

Q. Did you keep any account of this money that you paid Officer Smith? A. It was \$500 initiation fee and \$50 every month.

Q. I understood you to say that, but I want to know whether you kept any account of it; you were brought up as a book-keeper; did you keep any account of this money? A. That is very easy to figure, is it not?

By Chairman Lexow:

Q. Did you or did you not, keep a written statement of it? A. No.

By Mr. Nicoll:

Q. Did you keep a memorandum book, or a piece of paper with it on? A. No, sir; not of those things.

Q. Or any account whatever, on which you put down the amount, which you paid anybody, as you say? A. No, sir.

Q. And there is not in existence to-day a memorandum or piece of paper, or an account or book or a witness, to corroborate what you say, is there? A. What I have paid?

Q. Yes? A. Except groceries and butcher books—

Senator O'Connor.—Do you think a man would keep memoranda of such things as that. I do not think it is worth while to take up the time; we all know a man would not keep a memoranda of that kind, unless he was very foolish.

Mr. Nicoll.—I don't know what is the habit in such cases.

Senator O'Connor.—Do you think they would do that, keep such a record, from your experience in these class of cases?

Mr. Nicoll.—I do not know; I think this is a very exceptional person.

Q. You say you paid \$500 to Smith? A. Yes, sir.

Q. In addition to the sum of \$50 a month? A. That is it.

Q. Where did you draw that money from, from a savings bank? A. There was money coming in every day.

Q. I understand that; I did not ask you that; I asked you whether you drew it from the savings bank? A. The \$500, at the time I gave it, I drew that from the savings bank, but I did not have that much spare money; I had to go to the bank to get the \$500.

Q. That you drew from the savings bank? A. Yes, sir.

Q. And paid it to Officer Smith, where? A. I think, close by the station-house, somewhere.

Q. Do you recollect where you paid the \$500? A. I guess it was the corner of the station-house, corner of Eldridge and Grand streets.

Q. When you say you guess that it was so, is that only your form of expressing it, or does it indicate that you do not recollect where you paid it? A. That I have paid it, I know that, but I can't recollect just exactly at what corner.

Q. Did you keep any account of that payment of \$500? A. No, sir.

Q. Or any memorandum? A. No, sir.

Q. You then stated that you paid when Captain McLaughlin came into the district either \$500 or \$300? A. McLaughlin was \$300, I think.

Q. Did I not understand you to say that, on the arrival of Captain McLaughlin into the district, after Captain Cross, that

you paid an additional sum of money? A. Yes, sir; when Captain McLaughlin took charge of the precinct, I was informed that it would cost me \$300, and I paid it.

Q. Did you ever pay any money to Captain McLaughlin? A. Not personally.

Q. Did you have any transaction with him? A. No, sir.

Q. Or conversation with him? A. No, sir.

Q. Who was the man to whom you say you paid it? A. I forgot his name now, but he was his wardman; I guess he is over in the Tenderloin district now; if I hear his name I can tell you; I don't remember his name.

Q. Can you tell me the name of the wardman to whom you paid the \$300 at that time? A. If I heard the name I could; if I was prepared I would have got all these names down before I came but I was subpoenaed so quick I didn't have no time to think over anything.

Q. That is not long ago since you paid the sum of \$300 or \$500; you are not in the habit of dealing many times in sums of that amount, are you—that was a large sum of money for you, was it not? A. I guess it was.

Q. Can you recollect whether or not the amount you paid the wardman was \$300 or \$500? A. Captain McLaughlin's wardman?

Q. Yes? A. I am positive it was \$300.

Q. Now, can you not recall who it was? A. I forget the name.

By Mr. Goff:

Q. Is it anything like Mooney? A. I know the person if I saw him, a fellow with a heavy reddish moustache; I guess he is wardman over in the Tenderloin district; it may be Mooney, because I know that man; Mooney was a wardman in the Eleventh precinct, that I know, but whether it was him or not I don't know.

Q. Where did you pay him the \$300? A. In the John J. O'Brien Association in the office, upstairs, or where they have their club-room, in Grand street.

Q. When did you pay it? A. A' out two weeks after Captain McLaughlin had possession of it.

Q. Do you remember what day of the week you paid it to him, or what weeks of the year you paid it to him? A. No, sir.

Q. Or what month? A. No, sir; I said it must have been about two weeks after Captain McLaughlin had charge of the precinct, so whatever time Captain McLaughlin was sent there as captain, I don't know.

Q. And the place that you paid him, you say, was in the John J. O'Brien Association? A. In their meeting-room.

Q. Were you alone there? A. Yes, sir; with that man.

Q. Had you met there by appointment? A. By appointment; yes, sir.

Q. What time of day was it? A. In the afternoon.

Q. Do you remember between what hours; was it between 3 and 6 o'clock? A. About 2 or 3 o'clock.

Q. You two men were there alone, in the John J. O'Brien Association room, and there you paid him the \$300? A. There was a couple more persons there.

Q. Present at that time? A. Not present with us.

Q. Who were they? A. They were there for the same object.

Q. Who were they; tell us their names? A. One was John Heyser and the other was Billy Mankin.

Q. Was there anybody connected with the John J. O'Brien Association present? A. No; but that was the place that we meant.

By Chairman Lexow:

Q. You had been requested to meet this wardman there. A. Yes, sir.

By Mr. Nicoll:

Q. Have you given us the names of all the persons who were present there at that time? A. I gave you the names of the two persons that was with me there.

Q. Where does Heyser live? A. No. 13 St. Marks place.

Q. What is his business? A. He keeps a hotel.

Q. Who else was there? A. I gave the name.

Q. Give it again? A. Billy Mankin.

Q. What is his address? A. I can't give you his address but I know he keeps a lager beer saloon in Broad street.

Chairman Lexow.—Inasmuch as this examination will last sometime longer, if you have any other witnesses, whose direct testimony you prefer to take before a adjournment, why do you not put them on the stand now, Mr. Geff?

Mr. Geff.—I would like to. I will ask, owing to the peculiarity of the witnesses that we go on without taking recess to-day, have a continuous session. I have been waiting, hoping that Mr. Nicoll would reach the point to stop.

Chairman Lexow.—Very well, if there is any reason why it would be advisable to keep in continuous session, we are to do it.

Senator O'Connor.—We can keep a quorum here continuously until 4 o'clock.

Mr. Nicoll.—Well, I would like to get my lunch.

Senator Bradley.—We don't want any more Grangers.

Mr. Nicoll.—Is the committee going to sit right through?

Chairman Lexow.—That is the expectation at the present time.

Senator O'Connor.—Have you no associate with you, Mr. Nicoll?

Mr. Nicoll.—I do not think it is quite proper to go on continuously, unless there is some exigency about it. If Mr. Goff states professionally that there is an exigency about it, of course I will go on and forego my midday meal.

Chairman Lexow.—There is an exigency, I think.

Mr. Goff.—I would like to have the committee get through with some few witnesses that I have on hand now, in court, without any delay.

Chairman Lexow.—I think, perhaps, we had better finish the cross-examination of this witness, you will not be much longer, Mr. Nicoll. Continue the examination, Mr. Nicoll.

Q. Now, have you recalled the name of the man who introduced you to Smith? A. I have not got to the name yet.

Q. Have you got to the name of the wardman to whom you say you paid the money in Captain McLaughlin's time? A. No; I do not know whether it was Mooney — no; it was not Mooney; I forget his name.

Q. To whom did you first tell this story as you have told it to-day? A. I suppose what I have testified to here I have on several occasions passed remarks to friends of mine, and so forth.

Q. Did you not see Mr. Goff examining you from a paper? A. Yes, sir; I suppose I have spoken to a person and through that I got subpoenaed to testify in regard to it.

Q. Have you had an interview with Mr. Goff on the subject? A. I did not know the gentleman until I came in the court-room.

Q. Have you had it with Mr. Moss? A. I don't know the gentleman.

Q. Who was the person to whom you gave the information, from which Mr. Goff examined you in his statement? A. I don't know who the person may be, but I know I have expressed myself in regard to the "bleeding" to several persons; whoever the one is who gave the statement, I don't know.

Q. Did you not send a statement — A. No, sir; I did not intend to come here either.

Q. I understand you have been expressing yourself in public to various people? A. You know how things will happen confidential; you may pass a remark to a friend.

Q. To whom have you expressed it in private or public? A. I don't know; so many I could not tell you.

Q. Tell us the name of one or two men to whom you have

told this narrative before to-day? A. I spoke confidential to a very good friend of mine by the name of Alfred Rudolph; he is a carpenter down town; I guess I have expressed myself to others.

Q. Is he the only man that you can recollect? A. Yes, sir; so far.

Q. He is the only man who ever heard you tell that, what you have stated in court to-day — did you ever tell the gentlemen of this committee? A. I did not say that he was the only man.

Q. The only one that you can recollect? A. That I positively expressed myself to freely and openly.

Q. Where did you keep a bank account? A. In the Dry-Dock bank, corner of Third street and the Bowery.

Q. You finally were driven out of the business altogether, were you? A. Yes, sir; dispossessed; put on the street.

Q. By the owner of the property? A. Yes, sir; by the landlord for nonpayment of rent; I didn't have it.

Mr. Nicoll.—When I accepted a general retainer as counsel for the police department, I accepted it with their understanding that I did not appear for Captain Devery, because there had been certain indictments found by me, charging him with neglect of duty, when I was in the office, and in order to avoid any possible connection with any suggestion of defense of these matters, I left that matter to Colonel James, who was his counsel on that indictment, so I will take the liberty of communicating to Colonel James this about Captain Devery, and simply ask a single question.

Q. Did you ever have any business transaction with Captain Devery? A. No.

By Mr. Goff:

Q. You stated that you bought the place from Mrs. Connelly? A. Yes, sir.

Q. Was Mrs. Connelly married at the time? A. She was a single woman at the time, a widow.

Q. Where did she live? A. She kept that house.

Q. You said afterward that she married Granger? A. She married ex-Sergeant Granger.

Q. Of the Eleventh precinct? A. Yes, sir; he was sergeant in that precinct for years.

Q. Was he sergeant at the time he married her or had he left the force? A. He had left the force previous, and had retired.

Q. Did he leave the force just as he married her, at the same

time? A. I don't know the time, how long he has retired from the force; he retired on account of having served over 20 years, and was entitled to full pension.

Q. Speaking about meeting the wardman outside the police station-house in Eldridge street, do you remember a furniture store there, Brown's furniture store on the corner?

A. Yes, sir.

Q. Was it opposite that furniture store that you were in the habit of meeting the wardman? A. Generally on the other side of Grand street, the down-town side.

Q. Yes, but opposite the furniture store, on the other side? A. Yes, sir.

Q. That was the usual place? A. Generally.

Q. Did you ever see any other persons, keepers of houses that you knew, waiting there to see the wardman about the same time that you were waiting there? A. Yes, sir.

Q. That was the recognized place where they were to go and meet the wardman in the evening? A. I think that was about the appointed place for the meeting generally.

Q. You mention that when you found out there was a warrant against you, you discharged all the girls from the house? A. Yes, sir; I closed the house entirely.

Q. You were not arrested on that warrant, were you? A. No, sir.

Q. How did you know there was a warrant out for you? A. I was not told by any person; but as I came home one night my housekeeper says to me that there was two policemen in civilian's dress in the place, and that finally they asked her name, and they put it down in a book, somehow or another, and when I heard this I said, "That is evidence against me, or against us," against my house, and I might as well close up now.

Q. You lost all your money and property there, did you not? A. When I left the house I was destitute.

Q. You had to pawn your articles of jewelry? A. I had to dispose of everything.

Q. Even to a fancy dog? A. Yes, sir; I sold him for \$100.

Q. A dog that had taken prizes at the Madison Garden dog show? A. Yes, sir; the finest in America, but I had to dispose of him.

By Mr. Nicoll:

Q. Do you repeat now, after Mr. Goff's examination of you just now, about the fancy dog, and the prizes at Madison Square Garden dog show, that you never communicated those facts to Mr. Goff before, do you swear to that? A. I swear to that; I never knew the gentleman before I saw him to-day.

Q. And never sent the facts to him by any messenger or message? A. No, sir.

By Senator O'Connor:

Q. Are those detectives to whom you paid this money on the force now, connected with the police department now? A. I don't know; I suppose some of them are; Connor is, I believe.

Mr. Goff.—He is at police headquarters.

Mr. Nicoll.—We do not need the testimony of this witness to establish that fact.

Mr. Goff.—He has testified to three, Connors at headquarters, Glennon, with Captain Devery, and a man whose name he forgets, in the Tenderloin, with Captain Schmittberger.

Senator O'Connor.—Was his house closed, was he actually arrested?

Mr. Goff.—No, not arrested, he closed it himself.

By Senator O'Connor:

Q. Have you remained closed ever since? A. Yes, sir.

By Chairman Lexow:

Q. You said you had to go and see Connors on that first occasion; what do you mean by saying that you had to go and see Connors; had any word been sent to you to go and see him? A. I can give you that transaction; that was about two weeks when I had the house, and I came home in the afternoon, after being out for an hour or two, and my wife says to me there has a wardman had been here, and he told me to close the house, so I says, is that so; the house was closed up the time I arrived home, you understand; so I knew very well what it meant if I didn't make it good, so I went around in the Bowery to a friend of mine by the name of Regan, and I asked him what to do, and he said, "You had better see him;" so in that very place I found that person—I will get at his name—says I, "I don't know the wardman from any other person, do you know him personally;" and he said, "Yes;" and I said, "Come along with me, and introduce me;" so he went to the station-house, and he was not there, and we were told that he was at the court-room, and we went into the court-room, and he was inside, and he told him that a person outside would like to see him.

Q. So when you said you had to go and see Connors, you mean to say by that, that your house was already closed, and unless you did that it would remain closed? A. I suppose he came and gave orders to close, because we had not seen him.

Q. And the moment that he got the fee you opened the house? A. Yes, sir; after I saw him he says, "Go home and open up."

Chairman Lexow.—That is all. In case anybody should interfere with you or molest you after this examination, that you have undergone, the committee would be indebted, if you would inform them of the fact or inform Mr. Goff of the fact.

Rhoda Sanford, called as a witness on behalf of the State.

Chairman Lexow.—You were sworn, weren't you.

Chairman Lexow.—Will you kiss the Bible?

The Witness.—Suppose I don't believe in the Bible.

Senator Bradley.—You don't believe in the Bible? **A. No.**

Senator Bradley.—Stand up then.

The Witness.—I don't believe in the Bible.

Chairman Lexow.—One moment; I will affirm you then.

The witness was then affirmed and testified as follows.

Direct examination by Mr. Goff:

Q. Your full name Mrs. Sanford? **A.** Rhoda Sanford.

Q. You are a married woman? **A.** I am a widow.

Q. Haven't you got any children? **A.** Yes, sir

Q. Living? **A.** Yes; five—four.

Q. In New York? **A.** No, sir; they live in Brooklyn.

Q. Where do you reside? **A.** At the present time 49 Bayard street.

Q. In this city? **A.** In this city.

Q. Now, Mrs. Sanford you know what these gentlemen, these Senators are here for, do you not? **A.** Yes.

Q. You know they are here charged by law to investigate into certain matters about the police department of this city; you know that? **A.** Yes.

Q. And are you aware that the law protects any witness who may testify here; you understand that, do you? **A.** Yes, sir.

Chairman Lexow.—Nothing that you say here can be read in evidence against you in any proceeding or persecution or prosecution that may be had. Your testimony is absolutely excluded by law and can not be used against you, so that you can speak with perfect frankness and freedom.

Q. Now, after hearing the honorable senator, the chairman, state to you that you are protected, you are prepared to recognize the obligations of your oath to tell the truth, are you? **A.** Yes, sir.

Q. How long have you resided at 49 Bayard street? **A.** About four or five weeks.

Q. Four or five years? **A.** Weeks.

Q. Before that, Mrs. Sanford, where did you reside? A. I lived in 24 Bayard street.

Q. How long did you reside in 24 Bayard street? A. Two years as a madame and one year as housekeeper.

Q. You were housekeeper; who were you housekeeper for before? A. Mrs. Smith.

Q. And then after Mrs. Smith gave up the house you took the house? A. I took the house.

Q. And you became the madame? A. Yes.

Q. Were you ever keeping a house of that character before? A. No, sir.

Q. That was the first time? A. No; I was housekeeper in such houses, but it is the first time I owned such a house; I was a housekeeper for many years.

Q. This house that you kept there was what we commonly call a house of prostitution? A. Yes, disorderly house; the old-fashion name of house of prostitution.

Q. Did you have more than one house? A. I bought another house the first of December, the next door; I most had it given to me because the way things were there was nothing made in the house, and I had a house most given to me, for all I paid on it.

Q. Now, from the time that you were keeping the house in Bayard street, No. 24, from the time you kept the house in Bayard street, No. 24, that you were proprietress of that house, did you have any dealing with the police? A. Well, in what way?

Q. Well, in the way of paying money? A. Well, I had the house a long time before I paid any money.

Q. Well, to whom did you pay any money the first time, Mrs. Sanford? A. I could not say who it was that took the money; I gave a couple of hundred dollars; I couldn't say who it was.

Q. Didn't you know who it was you had given money to? A. I was a short time in the house when I was pulled.

Q. You were pulled? A. Yes.

By Mr. Nicoll:

Q. What house was this? A. Twenty-four; pulled by Captain Cross; I don't know the gentleman at all.

By Mr. Goff:

Q. You heard it was Captain Cross? A. Yes.

Q. He was the captain of the precinct? A. Yes, sir.

Q. Now, after you were pulled did you open up again? A. No, sir; I sent the girls away and run it for a time as a furnished-room house.

Q. Did you ever have the girls back again? A. In four or five months I brought them back again on the quiet.

Q. When you brought them back again did you pay any money to any person before you brought them back again? A. Oh; I did not pay any money to any person then when I brought them back.

Q. After you had them back and business was running on pretty smoothly did you pay any money? A. Yes; I gave one time \$200.

Q. To whom did you give the \$200? A. I could not say; I could not identify the man.

By Chairman Lexow:

Q. Was it the ward detective? A. I could not say who it was I gave it to.

By Mr. Goff:

Q. How did you come to give him \$200? A. I was told—some person called on me, and sent me a note and said I must pay some money, and I heard afterwards that it was a young political organization; I gave them money; afterwards I—

Q. Who sent you the note? A. It was anonymous, no name to it.

Q. What did the note say? A. That I had the girls there and must pay a little towards running the business.

Q. After your receiving the note did this person call on you? A. A couple of weeks or a month afterwards, I do not know how long.

Q. Was that all the money you ever paid? A. That is all, except I paid a little monthly money.

Q. To whom did you give monthly money? A. I don't know the name.

Q. Who did he say he was? A. He said he was an official, I could not say from the headquarters or station-house; I could not say which.

Q. How much monthly money did you give him? A. May be in two or three months I gave \$50; maybe a \$100 altogether I gave him.

Q. Did you ever give more than \$50? A. No, sir; because a little while after I gave that money, a couple of months, I was told to shut up by a new captain that came in; I do not know his name.

Q. The present captain? A. No; I was told to shut up, and I sent the girls away again, and sent the girls to Williamsbridge, Westchester county.

Q. Sent them to the suburbs? A. Yes.

Q. Did you pay any money while you were running the furnished-room house? A. No, sir; not at that time.

Q. Have you told the committee all the money you paid? A. Except \$50 a month.

By Chairman Lexow:

Q. Did you give it on the first of each month? A. Sometimes on the 6th and sometimes on the 8th, and later on.

Q. But it was \$50 right along? A. No, it was not; I told the parties that came after it I had called on to support in Brooklyn, and I was young in the business, and did not have it.

Q. Was the price they put on you for contribution? A. No; it was just —

Q. And you excused yourself from paying as much as that by saying you had a family? A. I had a family in Brooklyn and named I had a daughter with a husband out of work, and sometime when I got my head above water, I would give it; and they did not ask any more.

Q. Did they ask you for an initiation fee? A. No.

Q. When you paid \$200, didn't they say that was an initiation fee? A. No; they did not make that remark.

Q. Do you remember the name of the man you paid it to? A. No, sir; I do not; when he came after the money, there was a chain on the door, and he said he was the person who came after the money, and I handed the money out.

Q. How did you know he was after a specific sum of money? A. Because I had received this letter that I would have to give some money towards the opening of this house.

Q. Was that mentioned in the letter, \$200? A. No; that was not mentioned in the letter; but I tell you how it was; the gentlemen that came said it was for a young political organization that had just been organized, do you see; and it was for that reason they came after the money.

Q. As I understood, you said a few moments ago that after you reopened and got your girls there, somebody said to you he was an official, that it was about time you should pay something? A. Yes.

Q. Was it upon that you paid the \$200? A. Yes, at that time, as they said, they would be around at a certain hour of the night, on that week, and I knew the hour, and the person came to the door and said, "I am the party that sent word that you should have to pay," and I did not open the door there was a chain, and it was about 10 o'clock, and I took the money in the envelope and put it out through the chain.

Q. Was it the same man you afterward paid the monthly sum to? A. No; I don't think it is the same man; it was a thin, tall man.

By Mr. Goff: 1

Q. When you kept your house you were very methodical and orderly in keeping your accounts, weren't you? A. Sometimes.

Q. You generally put down your expenses every day, the moneys you paid out, didn't you? A. Yes.

Q. Did you keep a bank account? A. No, sir; I didn't keep any bank account, for I never had nothing to put in the bank, that is the reason I have no bank account.

Q. You kept an account with the girls, didn't you? A. Certainly; I had to keep an account with them and give them their money and all that.

Q. The moneys that belonged to them, you would keep an account of any moneys you gave to them to pay up a little expense? A. Yes, sir.

Q. And you kept an account of your grocery bills? A. Yes.

Q. And your rent? A. Yes.

Q. And your beer bills and things of that kind? A. Yes.

Q. You put those entries in the book yourself, did you not? A. Yes.

Q. Do you recognize that as your account book? A. Yes; I recognize the man that stole it out of the house over there; yes, I recognize it.

Q. That is your bank book? A. Yes; the man came and said he had a house of his own.

Q. Now, we will just look at this book, Mrs. Sandford, and see? A. You look at this book, but I must give my handwriting, whether it is mine or not.

Q. It is your book? A. Yes, sir; it is my book; it is not my handwriting.

Q. If it is not your handwriting, how do you know it is not your handwriting? A. I know very well it is not.

Q. You said you kept account in this book? A. Yes; I kept account.

Q. In whose handwriting is it? A. Well, give me a pencil here; I will look over that; are you going to show me that?

Q. Certainly; I only want to find out whose writing it is; here is the very first page, beginning, April 5, paid out; take the very first page: is that your handwriting? A. No, sir; that is not my handwriting.

Q. Whose handwriting is that? A. That is not my handwriting; if you let me write here, you will see it is not my handwriting.

Q. I am not questioning your word; whose handwriting is it? A. It is a man I used to have with me; that is dead I guess.

By Mr. Nicoll:

Q. What is that? A. It is a man I used to have with me that is dead.

By Mr. Goff:

Q. His name is Mr. Hyde? A. No; his name is Bigland.

Q. He kept your account for you? A. Yes; that is right.

Chairman Lexow.—Why don't you pick out specific items?

Q. I will do so; this Mr. Bigland used to keep your accounts for you, and put down all the money he paid out for you, and you looked over the book, didn't you, every day? A. No; sometimes I was away a week.

Q. When you were not away, you looked over it?

By Chairman Lexow:

Q. You kept a general run? A. Yes.

Q. You knew those accounts were right, and you looked over them at the time? A. Yes.

By Mr. Goff:

Q. Now, here is an item under the head of 31st of December. Chairman Lexow.—What year?

Mr. Goff.—The book does not show, Senator.

By Chairman Lexow:

Q. Do you know what year that book was written in? A. No, sir.

By Mr. Goff:

Q. It was the year you kept the house—last year? A. Yes.

Q. Now, there is an item here, "Mrs. Smith, \$166," what was that for? A. That was the mortgage of that house.

Q. That was on the mortgage? A. Yes.

Q. The next is "Bloom," that is the rent of the house? A. Yes; that is the rent.

Q. Two hundred and fifteen dollars? A. Yes.

Q. And that was the rent you paid every month? A. Yes.

Q. Here is the month of October, for instance, "Rent, \$125;" that is right? A. Yes, sir.

Q. Now, here is a little item under October 12th; there is a little item of "C. \$500;" what does that stand for; there it is (pointing out to witness)? A. That must be the \$250 and a couple of months I paid down.

Q. How do you account for \$500 being in it? A. I paid \$200, and \$50 and \$250 I gave; and I could not give all the money then, and it was given in two different parts, but it was put down \$500 in two or three different parts.

Q. What does "C" stand for? A. Well, I don't know.

Q. Now, Mrs. Sandford, look at that account and refresh your memory? A. City officials, I suppose.

By Chairman Lexow:

Q. Doesn't it stand for captain? A. No, sir; it did not stand for captain at all; I never seen the captain and don't know none of the captains.

By Mr. Goff:

Q. When did you commence to pay the \$50 a month? A. Well, I commenced to pay the \$50 about a year ago.

Q. How many months did you pay? A. After I opened I was pulled by Captain Cross.

Q. How many months did you pay? A. Well, sometimes I paid it two or three months at a time, you know; after I got three months in I would give it.

Q. Would you give it in \$150? A. Yes; that is how I gave the money.

Q. How did you count up, for how many months? A. I pay it all together; you see \$250 and \$250 there, and that made \$500.

Q. There was \$250? A. Yes; and there was \$250 besides.

Q. Who wrote that "C" there? A. I guess that is my handwriting.

Q. How did you come to put "C;" why didn't you put the full name of the person to whom you paid the moneys there; now, you are sworn to tell the truth here? A. Yes, sir; I am telling the truth.

Q. Does that "C" stand for Cross? A. No, sir.

Q. Why didn't you put the name of the persons; here we have marked, shows, dresses, butcher, whisky, sundries and other items; why didn't you put the items for that \$500 there, instead of putting the letter "C?" A. Wouldn't you call that \$5,000?

Q. No, it is \$500, Mrs. Sandford; five and two naughts, and two naughts in the other column; why did you put "C?" A. I can not explain that.

Q. You say that is in your handwriting? A. Yes, sir.

Q. The next item is for \$10? A. City, I suppose; I don't know what I put it down for.

Q. There is another, "cheese?" A. That looks a very funny C.

Q. It is a funny entry? A. I tell you what now, it would take something to find out about that; that might be meant for a naught, and a half stop.

Q. You recognize it as a C? A. I could not recognize it, really.

Q. Why did you select a C to put \$500 for? A. I don't know whether it is C or not; now, "cheese," that is a different C, isn't it, Senator?

Chairman Lexow.—Yes; but there is a C; I don't think there is any question about that being C; the only question is what that C stands for?

The Witness.—Well, I could not tell you, Senator; I could not tell you what; I could not tell really whether I put that down or not.

By Mr. Goff:

Q. You say you recognize the handwriting? A. Yes, the "cheese" is my handwriting.

Q. And that C too? A. That I couldn't certify to.
Senator O'Connor.—There is no doubt that is a C.

By Chairman Lexow:

Q. You have no doubt in your own mind that you put that C there, have you? A. I could not swear whether that is my C or not.

Q. Or those figures yours, the \$500, following the C?

Mr. Goff.—Oh, yes; those figures are yours, \$500?

By Chairman Lexow:

Q. There is no difference between those figures 500 and the next figures? A. I don't think that is my handwriting.

Q. You won't swear that was your figure? A. I would not swear to that; I would not like to swear whether that was mine or not; I am very dubious about it.

Q. There is one 5 a charge you say you made; that is another 5, which you say will foot up this five, the same? A. Yes.

By Chairman Lexow:

Q. You say you do remember you paid out that money? A. Yes.

Q. About \$500 at that time? A. Not altogether at that time, but off and on, going on three years.

Q. You made one payment of \$500 there at that time? A. Yes, sir.

Q. You made one payment of that \$500 at that time? A. No; I never made a payment of \$500.

By Mr. Goff:

Q. Then, when you made this entry of October 5th, where C is \$500, that represents all you have paid? A. All the money I have paid out.

By Chairman Lexow:

Q. Up to that time? A. Yes, altogether I have any recollection of paying.

Q. You did not pay any money after that? A. No; not as I recollect, because I was supposed to run a furnished-room house off and on every couple of months.

By Mr. Goff:

Q. Here is an entry for November 1st of last year, "Rent to Bloom, \$125;" that is all right, isn't it? A. Yes.

Q. Grocery man, \$20? A. Yes.

Q. And then there is an entry here, Ward Beer, \$1.25? A. That is Ward, the beer man; he served me with beer.

Q. Did you ever buy any tickets for any excursions? A. Yes; I often bought tickets for excursions.

Q. Five dollars a ticket? A. Yes, sir.

Q. Who sold you those tickets? A. I don't know who they were; they were from political organizations.

Q. What excursion was it? A. I couldn't just say.

Q. Don't you know it was the wardman of the precinct that sold you those tickets? A. No; I could not swear whether it was the wardman or not that sold them, because when he came I was sick abed with typhus fever, and I was out of my head two or three days before that; that my doctor can certify to; I was not the person gave the money; I sent my daughter upstairs to get the money and pay it.

Q. What is your doctor's name? A. Doctor Brothers.

Q. Here is a Dr. Carman, \$10; was he the house physician? A. Yes; at this time he was in the insane asylum.

By Chairman Lexow:

Q. Do you know of others engaged in the same business, living around in the same street near you there, paying similar sums to what you paid? A. Well, I tell you, Senator, I don't know, because I always kept to myself; I never interfered with any of them, and never interfered with them, because they begrudge you your life; each side of you they think you are getting along better than themselves.

Q. Envious, you mean, and jealous? A. Yes; they are jealous and envious of you.

Q. Don't you know as matter of fact when you made these payments, you were only doing what others in the same street were doing? A. I don't know nothing about what my neighbors were doing.

Q. Did this man who collected the money from you tell you while he was collecting it, or any part of that time that he was making these collections, that the others in the same general business were doing the same thing; didn't he tell you that? A. No, sir; one time they came to me for \$500 for another political organization.

Q. Didn't they call it initiation? A. No; they didn't call it that; for the political organization; the captain or wardman I know nothing about; I can not swear anything whether it was them; and I know one day a gentleman called and said it was for a political organization, and I said do you want to get blood out of a stone, and I put them out.

Q. Didn't you know that other people engaged in the same business that you were engaged in were paying the same kind of contributions that you were? A. No; because I don't know nothing about that; if I went to speak of it to any person, in regard to that, I would get a short answer, and anyone that spoke to me at the same time I would give a short answer.

By Mr. Goff:

Q. You did not want others to know of it, and they did not want you to know of it? A. No; they would not tell about it; they would not speak of such a thing; any of the people in that business, they don't get very intimate among their neighbors in that business; outside it is all right; I don't know the next door neighbor.

Q. And everyone keeps their own business secret? A. Everyone keeps their own business secret and because, as in the dry goods business, everyone don't like to see their neighbor get along better than they do.

By Chairman Lexow:

Q. This large sum of money you mention here you did not pay that out of a feeling of generosity to the person to whom you gave it? A. I gave it thinking it was a political organization the first time.

Q. When you made this payment, did you not make it for a certain purpose? A. I gave it for that way, for a political organization; but I can not have thought it was a—

Q. You thought the political organization was an excuse? A. Yes.

Q. And it was the fact that you were giving it so nobody could interfere with your business? A. Yes; that is the fact.

By Mr. Goff:

Q. Now, here is an item here under date of December seventh, Mrs. Sandford, and it is cash, "S," \$50; would you please tell us what that is? A. Oh, that is Mrs. Smith, cash "S," that is \$50 on the mortgage.

Q. Why didn't you write out the Smith, the same as you did before? A. That is "S" for Smith; that is not my writing either; that is what it is, "S" for Smith.

Q. And the entry is correct? A. Yes; the entry is correct.

Q. And then on the 13th of that same month you paid Mrs. Smith \$100 on the mortgage? A. On the mortgage; yes.

Q. The entry is all right there? A. Yes; the amount of the mortgage; that is right.

By Chairman Lexow:

Q. Were you asked to make any Christmas presents? A. No, sir.

Q. Do you remember around Christmas making a present of money to anybody who came and afterwards got the monthly contributions of you? A. No; I never made Christmas presents; all I tell here was, I bought a silk dress Saturday night which was worth seventy-five or eighty dollars; I bought a dress for \$9; that is the first time I knew the ward man, and he came to my house the next day with the lining of the goods; he spoke to me and said, "Do you know anything about that?" I said, "Sure; I brought a dress of that kind on Saturday;" he said, "What right had you to buy it; you know it is stolen;" I said "Is that so? I would not buy a dress that was stolen," because one of the young men I knew well, and I did not think he would bring a party to the house to—

Q. So the detective came from Brooklyn? A. The dress was stolen from Brooklyn; the messenger boy was knocked down and it was taken from him, and all the present I gave, I said to the ward detective, "Will you keep this out of the papers, because I have a respectable family in Brooklyn of my daughters, and I don't want that in the paper; and, if so," said I, "you will be none the loser;" and I said, "Come around and see me," and when he came I gave him \$20 as a present.

Q. Wasn't it 30? A. No; \$20.

Q. Are you sure? A. No, sir.

Q. Did your dress cost you \$39 altogether? A. No; it cost \$29; \$9 I gave for the dress and \$20 I gave to the gentleman I told to keep it out of the paper, and not to have any notoriety.

Q. You told the ward man? A. Yes; and the two from Brooklyn, I said, "I don't want any notoriety, as my family is in Brooklyn."

Q. He took the \$20? A. Yes; with great hesitation; I said that was a present; that was only right.

By Chairman Lexow:

Q. Didn't you make a present to the wardman around Christmas time? A. Never, sir.

Q. Weren't you asked to? A. Never asked to, never sir.

Q. Do you remember the name of the wardman, now? A. No, sir; I couldn't remember the man, nor the name, if I see him.

By Mr. Goff:

Q. Here is an item on January 23d, Mrs. Caust; who is Mrs. Caust? A. Show me, please.

Q. Mrs. Caust? A. That is Mrs. Smith's name, too; that is her name when she was a widow; that is the same woman all the time.

Q. Let us see; Mrs. Smith had a mortgage on your house, had she? A. Yes; and when her husband died this was her name, when she was a widow, and when she opened the house she took the name of Mrs. Smith.

Q. Yes; you owned the house? A. Yes.

Q. You were paying a mortgage? A. Yes; was trying to pay it off all the time, paying it in installments.

Q. Did you pay her every month? A. Every month; if I could not pay any month she waited two months.

Q. How much did you pay her? A. One hundred and seven dollars and \$110, and so on.

Q. Did you get receipts paying off on the mortgage? A. Yes.

Q. Have you all those receipts? A. Yes.

Q. On account of that mortgage? A. Yes.

Q. How much was the mortgage? A. Three thousand dollars.

Q. Have you paid it off? A. Pretty near.

Q. All inside a year? A. Oh, no.

Q. How long were you paying it off? A. No, I would be a millionaire or a millionairess if I paid it inside a year; I paid it at the inside of two — three years.

Q. Was there a mortgage on the house when you bought it? A. Why, yes; that was her mortgage.

Q. From whom did you buy that house? A. I bought that house from Mrs. Caust when she became a widow, and she took the name of Smith, because she did not want to have her husband's name in such a house; it was the same woman all the time.

Q. Who ran the house before you bought it? A. I was house-keeper for her.

Q. For Mrs. Smith? A. Yes.

Q. Didn't you buy a house from French Charlie? A. I bought a house from French Charlie on the 1st of December.

Q. Next door? A. Yes; as I told you it was a house I had given to me; I only paid \$200, and there was a mortgage of \$1,450 on it.

Q. You only paid \$200? A. Yes.

Q. Was the house only worth \$1,500? A. The stock and the fixtures and good will.

Mr. Nicoll.— She don't mean the fee, I understand.

By Chairman Lexow:

Q. This was a chattel mortgage you had given back in the purchase of this piece of property? A. Yes.

Q. On a real estate mortgage? A. No, not a real estate; no, the house was worth \$25,000.

Q. Who is Mrs. Vard? A. Voss; that is the same woman, too; you know Mrs. Voss; I never knew the name right; that Voss is Faust; that is the nearest I got it, as it was a German name, it was the nearest I could get hold of it.

Q. How is it you came to enter the moneys you paid to her under different names; why didn't you enter it all under Mrs. Smith? A. Well, I didn't, see? That is all.

Q. How did you come to enter it Mrs. Voss? A. That was why I entered Mrs. Voss, because it is her first husband's name, and she went by the name of Smith when she run the house; when she signed business papers she signs Voss.

Q. Her business name is Smith? A. Her name on the back of those papers is Voss.

Q. And her business name is Smith? A. In the house she went by the name of Mrs. Smith.

Q. And her married name was Voss? A. Faust; the last one you showed me is Voss.

Q. C-a-u-s-t is Caust? A. Yes.

Q. And that is the same woman under different names that appeared here in that entry? A. Yes.

Q. Now here is an entry, who is "W. M.;" do you know any persons with the initials W. M.? A. No, I do not; I can not — show it to me, please.

Q. Yes, I will; this is under date of 1st of April, "W. M., \$100;" what is that for? A. I guess it is meant for William Ward, \$100 for beer.

Q. That can not be Ward, that is "W. M." A. No; I can't tell just what that is — \$100.

Q. One hundred dollars even money; you paid it in cash, didn't you, to whoever you paid it? A. Yes.

Q. Can't you remember to whom you gave \$100 even money on the 1st of April? A. I can't remember, because it will be testing my memory too much; to tell the truth, I don't remember what that means.

Q. You see, you paid out \$54 for Ward the next day; that is the beer man? A. Yes, sir.

Q. Where does Ward keep his place? A. I really can not tell you now; I am so long out of business.

Q. You are only out of the business since last year? A. Yes; the 20th of August last.

Q. Where did he keep his place when you took beer of him? A. Twenty Market street, I think.

Q. Had he any other name than William Ward? A. No, William Ward.

Q. In Market street? A. Yes.

Q. A dealer in beer? A. Yes.

Q. Did he sell anything else but beer? A. No, sir.

Q. Nothing but bottled beer? A. No.

Q. His beer ran up to \$65 a month for bottled beer? A. Yes, sir.

Q. You are clear that Ward represents the beer man? A. That may be; I could not swear to it, whether that represents him or not — what "W. M." means.

Q. You don't know what "W. M." means? A. That is not my writing.

Q. Whose handwriting is it? A. It is this man's that died.

Q. The man that died that did business for you? A. Yes.

By Chairman Lexow:

Q. Do you remember whether the first name of the wardman or detective there was William? A. I could not tell.

Q. Do you remember whether he was called "Billy?" A. I could not say.

Q. Don't you remember his first name at all? A. No.

Q. Do you remember a wardman being there at all by the name of William? A. No, sir.

Q. After seeing that entry, Mrs. Sandford,— A. I thought that was beer.

Q. Don't you think that was two installments of the \$50 a month for protection? A. I don't know; I could not say.

Q. Don't you know that was so? A. Maybe it is with that \$500; I could not tell; I can't tell what "W. M." is for— what is the meaning of it.

Q. Didn't you hear of a wardman called Mooney or Murphy? A. It is years since there was a man named Mooney there; that was while I was a housekeeper long ago.

Q. That is before you commenced to pay? A. Before I bought the house; there was a man named Mooney there; but that hasn't anything to do with my books.

By Chairman Lexow:

Q. Do you know there was a man by the name of Smith there? A. I could not say.

Q. Are you certain that the initial "S" on your book there did not represent the wardman Schmidt? A. No; I could not say.

Q. Does not the "W. M." there entered opposite the \$100 stand for wardman? A. That I couldn't say; it is not my writing.

Q. Your money went out? A. That is right; money enough of me; my money went out; but that is not my writing.

Q. Don't you know to whom the money went? A. No, sir; I could not tell what that was for; now, it might be in that \$500.

Q. But it may be the wardman? A. Yes, sir.

Q. It is probable? A. This part of it would not be there, because it was \$500 altogether.

Q. But that \$100 went out at that time? A. Yes, certainly, it would not be on the book if it did not go out.

By Mr. Goff:

Q. You would not dispute the correctness of that item? A. That man used to drink very heavy, that wrote that down, but he would write it down right.

Q. As a business woman, you kept a strict account of the business expenses of your house and the money spent out, didn't you?
A. Yes.

Q. There is one other item I want to just ask you about; now, there is W. M. again, \$10, on July 7th; doesn't that mean the wardman, too, "W. M., \$10?" A. Oh, no; I never remember giving \$10.

Q. Not so little as that? A. No; I don't remember giving \$10; I can't tell what W. M. was for.

By Chairman Lexow:

Q. Whenever you gave it it was more than \$10? A. Altogether, in going on three years, in owning a house, I gave \$500; that is all I can account for; my memory can tax me.

By Mr. Goff:

Q. Now, you have frequently been friendly with the officers on the beat, haven't you? A. Well, sometimes.

Q. And you have given them money, haven't you? A. Maybe I have.

Q. Don't you know you have? A. Why, yes; if I had a drunken man come in to be put out, or something of that kind, I might say here's a dollar, take a drink or something of that kind.

Q. To the man on the beat? A. Yes.

Q. There is an item of September 7th, "C tickets, \$65;" what does that mean—C and ticket; wasn't that the wardman's \$50 and five dollars a ticket, made up together, isn't that it; \$50 and \$15 make \$65? A. I guess if you look over here they were tickets I bought for diamond earrings, or something of that kind.

Q. Outside of those tickets? A. No; that is it; tickets I bought; people in that business gets tickets once in a while.

Q. I ask you now about this item, if you remember, one month you paid \$50 to the wardman, and at some time took three tickets from him in this political excursion at five dollars a ticket, and it made up \$65 altogether? A. No; I don't remember giving \$50; I have \$150; I don't remember giving \$50, making altogether \$500.

By Chairman Lexow:

Q. Wasn't this \$100 that stands opposite the name W. M., wasn't that given after the \$500? A. No; it was not given afterwards.

Q. Don't your accounts show? A. The accounts do; but at the same time it might be put down in mistake.

Q. You said a moment ago that book was correct; that you must have given out that money at that time; isn't that true?

A. Yes.

Q. Did you allow your bookkeeper to put down such a sum as \$100 as your expense at that time without examining your book from day to day, without calling his attention to the error, if it was an error? A. Sometimes I might be away for a week.

Q. But when you came back, and you found a charge of \$100 against W. M. there, if that had not been a correct expenditure, wouldn't you have called his attention to it; you would have disputed it, wouldn't you? A. Yes.

Q. You would have made him account to you for the \$100? A. Yes.

Q. So it must have been a correct charge? A. Yes.

Q. That is true, isn't it? A. Yes, it might be; but what the W. M. is for I can't state; but there is money there; I bought tickets; people in this business, we get—often times people come down in the world, and they will sell these tickets.

Q. Your first \$500 is down here for the 25th of October; that is the month of October, the 25th; now, I find another item here in the following April under date of the 25th of April, under C for \$500; see there is one \$500 C in October? A. Yes.

Q. There is one \$500, and I find here in the following April another \$500, C; now what is that for—the 25th of the following April?

Mr. Nicoll.—What year, Mr. Goff?

Mr. Goff.—It must have been 1893, while the date does not appear here.

The Witness.—Yes; you can not tell anything about these books, there is no date there; the items are all right; I could not say about that.

Q. What about the second \$500? A. That is the same \$500 put down by another person.

Q. Why, now, Mrs. Sandford; do you mean to say you kept putting down the same items one after another? A. Yes; it must be.

Q. Don't you know \$500 is a large sum of money; you see this in the same handwriting as the other sum is in; that is a large sum of money for a poor woman like you? A. Yes; I know.

Q. You could not afford to lose \$500 by any clerk or anybody working for you? A. Not at all.

Q. And you looked over these entries, as you testified, and saw they were correct? A. Yes.

Q. What is this second \$500 for, under "C"? A. I bought \$500 worth of furniture and carpets and chairs.

- Q. From whom did you buy the furniture? A. From auction.
- Q. From whom and where? A. Some here and some there.
- Q. Well, tell me one place.

By Chairman Lexow:

Q. At different auctions? A. Yes, sir; I bought \$150 in Eighth street, some furniture there, folding beds and one thing and another; because the house was all run down when I bought it.

By Mr. Goff:

Q. This last item of April 25th, when was that—1893? A. Yes.

Q. Was this a year ago last April? A. Yes; I had the house all fixed up; I bought three carpets.

By Chairman Lexow:

Q. How was it that just came to \$500? A. Well, with the other things I bought; I bought carpets, and folding beds, and took a piano and other furniture out of storage, and they altogether cost me between \$400 and \$500.

By Mr. Goff:

Q. Tell me in April any bill you paid? A. I had this in April for the house to be all fixed up on Decoration day.

Q. Tell me any bill you paid to any houseman 25th of April, 1893, and we will see; now, tell me the name of a house that you have furnished a bill of goods from?

By Chairman Lexow:

Q. You remember you are under oath? A. I know.

Q. And if you don't testify to the fact; if you don't testify to the truth; and you testify to a falsehood, that is perjury? A. I read a paper, and know the law as well as the rest of them; that is for furniture; I bought three carpets; I will tell you now.

By Mr. Goff:

Q. Wait a while; if it was for furniture, why didn't you put down F? A. It was for carpets.

Q. Where did you get the carpets? A. Great Jones street near Bowery.

Q. Give us the name of the man from whom you bought carpets? A. Dunn.

Q. How much did you pay him? A. The carpets and all I bought there came to about \$175.

Q. When was that? A. That was just in April.

Q. Now, wait a while; did you get a bill from him? A. Yes.

Q. Did you get that bill of goods? A. Yes.

Q. You have that bill? A. Yes.

Q. You will present that bill here? A. Yes, I have not got it there.

Q. You will bring it down? A. Yes.

Q. That bill is receipted? A. Yes.

Q. Give me the next bill you paid? A. And then I bought a folding bed.

Q. Who did you buy that from? A. Corner of Eighth street and University Place, Thomas Bowe, I think is the name.

Q. How much—did you pay for the folding bed? A. Yes.

Q. Have you a bill for that? A. I guess I have that bill.

Q. The bill is receipted? A. Yes.

Q. And you will bring it down here? A. Surely; and altogether I bought other things—portieres.

Q. Where did you buy the portieres? A. In Thomas Bowe's.

Q. What did you give for the portieres? A. About \$10 or \$12, besides rocking chairs, and one thing and another.

Q. Were they on one bill? A. On different bills.

Q. It was about the same day of April the 25th? A. I know it was that day I bought the folding beds and carpets.

Q. Anything else you bought of Bowe? A. Nothing but the folding bed and the portieres, and the lace curtains.

Chairman Lexow.—I think you understand the situation. It is simply to bring home facts to her conscience, that is all.

Senator O'Connor.—I think we all make up our minds what that \$500 covered.

The Witness.—That is down for carpets.

Mr. Goff.—I am very clear, Mr. Chairman and Senators, that we can prove that this woman is wholly mistaken.

Senator O'Connor.—We don't think she is mistaken, but we think she is lying.

The Witness.—Lying! What!

Senator O'Connor.—Telling an untruth!

The Witness.—Oh, no; I will bring the bills.

By Mr. Goff:

Q. Didn't you say those entries represented moneys paid to the captain? A. No, sir; I did not; I said I paid \$250, that it was for a political organization.

Q. Didn't you say you paid money to Captain Devery just before he left the precinct? A. No, sir; I did not say so.

Q. Never said a word? A. No, sir; I didn't know Captain Devery; but I say this, that I had in my own conscience it was like, something like that.

By Chairman Lexow:

Q. You believe it was? A. Yes, sir.

Q. And you paid it for that purpose; that was part of the payment to get protection? A. Yes; they did not tell me it was for that, but for a political organization.

Q. Didn't you tell to the man to whom you were showing the book, didn't you turn the book over to them to show the amount of business you were doing? A. Yes; that is right.

Q. These men came from Newark? A. Yes; that is right.

Q. And they wanted to buy the house in New York? A. Yes.

Q. And you told them you were doing a rushing business, but was willing to sell your house? A. Yes, sir.

Q. And in order to show the business you did, and were doing, you took out this book and other books to show the men what money you took in, and paid out? A. Yes.

Q. And you remember asking those men if they had to pay protection in Newark? A. No, I did not ask them, but they showed me their book, and said what they paid.

Q. And when they showed what they paid in Newark, you took out your book to show what you paid? A. I did not show but one.

Q. You showed them the two C's? A. No; it is a mistake; I did not show them the two C's.

Q. The two C's were here? A. It might stand for carpets and curtains I bought.

Q. It can stand for a great many things; a great many words commencing with C. A. A great many.

Q. Didn't you say it stood for captain; that is the point; will you swear you did not? A. I will not swear whether I said it or not.

Q. Come, now; right down to the truth. A. May be I did; but wouldn't swear to that.

Q. If you did you said, then, what was true? A. Yes.

By Chairman Lexow:

Q. When you told these men that the letter C here in front of the \$500 stood for captain, you said then what was true, didn't you? A. I showed them one C, and did not show them two.

Q. You told them that stood for captain, didn't you? A. I couldn't say.

Q. If you did say it, was it the truth? A. I never gave any money to the captain; I gave the money, as I thought, to a political organization.

Q. It is not a question as to whether that money went to the captain, but whether or not, when the entry was made, that C was made to stand for the captain, whether he got the money or not; that is the fact, isn't it, that it stood for the captain? A. I could not say about the second C.

By Mr. Goff:

Q. The first C represented the captain? A. It represented the political organization.

Q. You understood when you put down C it was for captain of the ward, or captain of the precinct? A. I did not put down the C.

Q. Didn't you tell these men that were wanting to buy the house; didn't you tell them that showed it was paid to the captain of the precinct? A. One C I did, but not the two.

Cross-examination by Mr. Nicoll:

Q. Where did you keep the house; what was the date on which you first commenced to keep the house? A. I could not say; it was the month of February I bought the house.

Q. What year; 1892? A. About that year.

Q. We are now in 1894? A. Last February I owned the house two years.

Q. That would be 1892; then you kept the house from 1892 until some time in August, when you finally went out of the business? A. I went out of the business twice; I had it for a furnished-room house twice.

Q. During the time you were there did you ever pay any money to the captain of the police yourself? A. No, sir; I would not know the captain, nor would I know the wardman; the head wardman, I do not know him.

Q. Did you ever give any money to any wardman and tell him to deliver it to any captain? A. No, sir; there never was any such thing named as the word captain.

Q. Do you know the name of any man on the police force, or can you identify any man on the police force, to whom you paid money? A. What do you say?

Q. Do you know any man on the police force, except the policeman on the beat, to whom, I think you said, you paid \$1 to get

a drink, and the ward detective you gave \$20? A. Yes, sir; I gave it to him for a present.

Q. Do you know the name, or can you identify the man? A. I do not know the man, and can not identify him; only I knew he had something to do with the ward station-house.

Chairman Lexow.—Is that all, Mr. Goff?

Redirect-examination by Mr. Goff:

Q. Now, Mrs. Sandford, is your memory of saying to those men that came to you from Newark, these words, after asking you how much you paid for protection, you said, "Why, old man, I can make your hair turn gray;" do you remember saying that? A. No.

Q. And will you swear you did not say that? A. I would not swear I did not; I might have said that.

Q. "Old man I can make your hair turn gray; \$300 to the captain and \$25 a month. and besides to the officer on the beat;" do you remember saying that? A. Yes, I did.

By Senator O'Connor:

Q. Was that true, Mrs. Sanford; were you telling the truth at that time? A. I might have said that on that night.

Q. Was it true? A. I did not give \$25; I only gave \$250 for a couple of months, because I did not have it; I was shut up a couple of months; one of the captains came in there, before this one, and notified me to shut up the house; that the houses were going to be closed; and when I bought 22 the captain, I heard, said, "What did you buy the house for; there is not going to be any more houses here; the houses are going to be shut up;" I got that word from an official.

By Mr. Goff:

Q. Now didn't you go on and say, "Why, when Captain Cross came here he raised it to \$500 a month;" do you remember telling that? A. I don't remember; \$500 a month?

Q. He raised it to \$500? A. Yes; but if he did, I never gave nothing to Captain Cross.

Q. You knew it? A. I didn't know nothing about it; I heard that.

Q. Who did you hear that from? A. I heard it from people uptown.

Q. What people? A. People that kept these houses.

Q. People that kept the houses in the neighborhood? A. Yes, sir.

Q. You heard it was going to be raised to \$500? A. Yes, sir.

Q. You said when Captain Devery came it was \$500, and \$50 a month? A. I gave a couple of the \$50 a month, but to some officer; I didn't understand it was for any captain.

Q. You were subpoenaed for the trial, weren't you? A. Yes, sir.

Q. And do you remember saying you were not going to be a Lucy McCarty? A. Yes, sir.

Q. And do you remember saying that if they wanted to send you up, or were going to send you up, that there would not be enough in the Police Court to keep you from hollering for Dr. Parkhurst; do you remember that? A. Yes, sir; I said, it is too bad, after my spending all my money furnishing up this house, to think when I get going I get pulled every time, and I had two or three times to break up the house and send the inmates away; I did say that; yes, sir; I did.

Q. And you said, also, if they prosecuted you any further you would make a clean breast of everything? A. Yes, sir; I did say that.

Q. And you said, also, that Dr. Parkhurst was not down on the houses, but that the masses were more down on the people who were robbing them? A. Yes, sir; I said that; that is right.

Q. And you remember saying they could not turn you out of the court room as long as you had legs to stand on and as long as you could shout Dr. Parkhurst's name? A. Yes; that is right; and some of those gentlemen may remember that Dr. Parkhurst was not so very good; and I said I heard some young ladies went to him to give him some money, and his wife sent them down to the kitchen to get a piece of toast, and they said a cup of tea and a piece of toast was very poor for an empty stomach that didn't eat a bit for two days; have you got that in the print there?

Q. Yes, that is all right; I was coming to that, but you relieved me. A. You see I recollect that.

Q. It shows what a good memory you have, Mrs. Sandford, and you said if they pressed you, you only wanted an opportunity to tell what robbers the police were; do you remember that? A. Yes; well, they never robbed me much, because I never gave a cent to the police that I know; I gave this thinking it was to a political organization.

Q. You remember when you bought the house from French Charlie, you remember a man coming and ringing the doorbell? A. Yes.

Q. Don't you know he was the wardman? A. I didn't know who he was.

Q. Didn't you state he was the wardman? A. I thought he was the wardman; he brought me word I should shut up that house,

and there was no more houses to be in that street, and I was to shut up; I was shut up in the other house, and he said I should shut up that house, as the captain sent word there was to be no more houses.

Q. When you went to the door and asked him, "What can I do for you," do you remember saying that, and he said, "Come on, now, you know damned well what I am after;" do you remember him saying that to you? A. Yes, sir; and he told me on that very night that the captain sent word I should not open that house, and that my other house, the other house was supposed to be shut.

Q. And do you remember telling him you had no money, and he told you he would give you until next Tuesday to get the money; don't you remember that? A. Yes, sir; there was something to that effect.

Q. And he called on you next Tuesday? A. No, sir; he did not.

Q. Or soon after? A. No, sir; he did not call on next Tuesday, because the next Tuesday he was removed uptown; that is right.

Q. Now, this wardman to whom you gave the \$20 with regard to the silk dress to keep you out of the newspapers, you know his name, don't you? A. No; I don't know his name, only a wardman.

Q. Don't you know you said what his name was; don't you remember calling him Glennon? A. That might be his name; I never called his name from the time he came there with the party about his dress; I called him wardman; if I was to see the man I would not know him, I see him so seldom.

Q. Now, do you remember a fellow by the name of Charlie Keach? A. No.

Q. "Cock-eyed Louis?" A. Yes; those were the parties that came to me for the \$500 for political organization; I went to the door and put them out; "Can you get blood out of a stone," and put them out; that is right; they came to me for political purposes, for some new organization that was going to commence in the ward.

Q. Do you remember the name of the organization? A. No, sir; I do not, because I did not give them time enough, when they asked me for money to state it; I put them out mighty quick.

Q. Don't you remember his saying he called with the knowledge of Captain Cross, and he would make it all right? A. No, sir; they said something about Captain Cross, but what they said, I don't remember.

Q. Don't you recollect they said they came with the knowledge of Captain Cross? A. No; they did not say that; I remember Captain Cross was not in the precinct at the time.

Q. Do you know of other houses in the neighborhood there that gave money? A. No, sir; I don't know; because one's business was never known to another.

Q. Did you ever tell anybody you knew other houses? A. No.

Q. Did you ever tell anything? A. Sometimes I might have too much wine in and told it.

Q. Do you know Charlie Davis? A. Yes.

Q. Of 33 Bayard street? A. Yes, of 33.

Q. Don't you remember having a talk with Charlie about the money he paid? A. No, sir; we never have any such conversation.

Q. Don't you remember he told you he had to pay \$250? A. Oh, yes; for the political organization; that is right; and I said, "Oh, you are a fool;" I said, I put them out; out of my door they went quicker than they came in, with a club at them; I asked them if they was going to get blood out of a stone.

Q. Do you know another man, a friend of yours, who keeps a liquor store, that had to hock his diamonds to get the money to pay; do you remember that he got \$250 on the diamonds? A. I might have heard of such a talk and told it.

Q. Don't you know you have a particular friend that had to pawn his diamonds to get the money? A. For a liquor store?

Q. No, for this liquor organization you call it? A. I have heard of such things, and talked them over in the house.

Q. Don't you remember the man pawning the diamonds, particularly; a very fine diamond he had? A. Oh, no; I heard something of all that; anything I can bring to my memory, I am right here to state what I can.

Q. Do you remember whether you left your house, and went over to Madame Thompson's and said these fellows have been collecting for the political organization? A. Yes; they went over there.

Q. Do you know that Mrs. Thompson gave them any money? A. No; she did not see them; she saw them coming in the window, and she, looking through the window, seen the gentlemen crossing the street, and she was out, by the way; I was not out; I was there ready, but the—

Q. Don't you remember Mrs. Thompson telling you she went to see her lawyer to see whether she should pay to the Commanchee Club \$500? A. No; she told me—I went over to her; she saw me in a day or two, and said, "I saw them coming, and I shut my windows, and was out, by the way."

Q. What about your friend John Regan, who keeps the concert hall, 27 Bowery? A. I don't know him; I never spoke to

The man; I knew him as Regan, the carsman, some years ago; but to speak to him, I did not know him; he had a place on the Bowery.

Q. Don't you know he had to pay to get his license? A. Sure.

Q. You told your friend he paid \$250? A. I can not swear what I told the man; there might have been talk about the neighborhood.

Q. They went over to Baldy Jones' to collect? A. Yes; they told me they were there.

Q. Did you ever ask anybody if you could sue the captains and get back your money? A. Oh, no; I never asked such a question—not as I—

Q. Let us see? A. Maybe, I did; I might; but I don't remember asking—

Q. Don't you remember that you said, that if the Senate Committee was very good, that they could get back your money for you; do you remember saying that? A. I might say that; I don't say I did or did not say it.

Q. You are on your oath? A. I know I am on my oath.

Q. And don't you remember stating you were told to keep quiet until the Senate Committee got through altogether, and things would open up again? A. No; I was not told that at all.

Q. Didn't you say that? A. I might have said that; it is what I read in the paper.

Q. Didn't you say that if the Senate Committee was any good, that they would get back the money for you, that you had paid to the captain? A. No; I never made such a remark.

Q. Do you swear to that positively? A. I don't know when I was talking to anybody of this committee was present or not; I knew the Senate Committee would not do anything to get my money back, or anybody else's money.

Q. Didn't you ask to find out of some lawyer that would get your money back? A. No, sir; I never did.

Q. Didn't you say you would like to get the money back from the captain? A. I never made such a remark.

Q. But you would like to get it back? A. I will swear I never made that remark at all.

Q. You would like to get your money back; you are a poor woman? A. No; I don't want it back.

By Chairman Lexow:

Q. Did the simple suggestion by the person who went around to those different houses that the captain did not want any more

houses open there, did that result in closing those houses? A. The captain sent me word to close my house, and sent word by this wardman what business had I to open that house when the houses were closed; I made the remark I did not buy that house; I may say I had it given to me for the paltry sum of \$200, which I did not consider much.

Q. As soon as the captain sent you word to close the house it was closed? A. Yes; it was closed.

Q. And every other house was closed as soon as the captain sent word to the person they must keep the house closed? A. No; they must move away, and the houses were not to exist any longer in that street.

Q. In other words, as soon as the proprietors of these various houses understood the captain was going to close those houses, they closed them themselves? A. I was told to close.

Q. And didn't other houses that were told by the captain close them? A. Yes sir.

Q. And all that was necessary to close these houses was for a wardman to go around and state to the various proprietors that the captain wanted them closed? A. Yes, and if we didn't they would fix us; I had 24 closed at that time when I bought 22, and I was sent word not to dare do business in that house; and the captain would not have any more houses, and he didn't want any man to go in the side doors; if we didn't close he would pull us.

By Mr. Goff:

Q. When was that? A. Fast August or September.

Q. That was when Dr. Parkhurst was making a noise around? A. I suppose so.

Q. It is very easy for the captains to suppress these places when they desire to do it? A. Certainly; I sent away my girls.

By Chairman Lexow:

Q. Places like this only exist by the confidence you have that you won't be closed; that the police won't bother you; that is the only reason you keep open, isn't it? A. No; we ain't open now.

Q. I understand; but when you were open the reason you kept open was because you had confidence the captain would not disturb you? A. If I get raided I would run out of the street; they sent me word to close up, and I closed up.

Q. And sent some of the inmates away? A. When I was told about 22 word was sent there not to do business in that house.

Q. While you were going on, and you were not being interfered with, you went on because you knew that these people at the station-house were not going to interfere with you? **A.** Yes, sir.

Q. Because you had paid your money to it? **A.** I never knew I paid it to the station-house; I thought I gave it to the organization.

Chairman Lexow.— Anything more?

Mr. Goff.— No, gentlemen.

By Mr. Nicoll:

Q. I will ask did you pay any money to Captain Cassidy? **A.** No, sir; Captain Cassidy was out before I came there.

Q. Did you pay anything to Captain Cross? **A.** No.

Q. Or Captain McLaughlin? **A.** No, sir.

Q. Did you pay any money to Captain Cortwright? **A.** Captain Cortwright? Never.

Q. Did you ever pay any money to the police force for the purpose of giving this money to them? **A.** No; I gave \$500 altogether for what was supposed to be a political organization starting in the ward.

By Chairman Lexow:

Q. Did anybody speak to you about this political organization after you were subpoenaed here to attend before the Senate committee? **A.** No, sir; I never knew I was to come here before the gentleman came this morning.

Q. Did you ever have any conversation with anybody before this subpoena was served on you? **A.** No; the gentleman went at my side until we got to the yard.

Q. Have you discussed what testimony you were going to give here with anybody? **A.** No, sir; I have discussed with nobody; I have not talked with anybody.

Q. Have you seen any policemen since the Senate Investigating Committee was appointed? **A.** No, sir.

Q. Has anybody asked you to testify one way or the other? **A.** No, sir; I never thought I would be called here any more than the dead in the grave; I was surprised this morning; I did not know the meaning of this, that this gentleman should come with a subpoena; I said, "Down in the General Session?" and I was surprised; and he said, "No; it is in the Senate Committee;" I did not know anything about coming here.

Chairman Lexow.— All right. That is all. Your next witness, Mr. Goff.

Emma Jones, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—Mr. Chairman, will you act as interpreter.

Chairman Lexow.—Is Mr. Kempner here?

Mr. Nicoll.—Otto Kempner?

Chairman Lexow.—Otto Kempner. He was suggested as an interpreter.

Mr. Goff.—I think we can get along with this witness.

By Chairman Lexow:

Q. Don't you think you can understand enough English to answer the questions? A. Well, I will try.

Mr. Goff.—We will try.

Chairman Lexow.—You understand that whatever you say here before this committee can not be used against you in any prosecution or action that may be had hereafter; that nobody can use whatever you say here—the testimony you give before this committee. You are entirely protected, and it can not be used against you; so speak openly and frankly and loudly so the stenographer can get down everything you say.

By Mr. Goff:

Q. Where do you live, Mrs. Jones? A. I live in Brooklyn.

Q. You live in Brooklyn? A. Yes.

Q. Where in Brooklyn, Mrs. Jones? A. Morris avenue; I lived there under a different name.

Q. You live there under a different name? A. I did live there under a different name.

Q. Did you live in New York? A. Yes, sir.

Q. You are a married woman? A. I am married.

Q. What is your husband's name? A. It is Henry Jones.

Q. Is he the man that is called Baldy Jones? A. Yes, sir.

Q. Where did you live when you lived in New York? A. I always was mostly living out.

Q. Living out? A. Yes.

Q. Did you ever live in a house in Bayard street? A. I lived in 32.

Q. Thirty-two Bayard street? A. And 21.

Q. And 21 Bayard street? A. Yes, sir.

Q. Did you keep a house there, Mrs. Jones? A. Not myself; I always worked.

Q. Were you a housekeeper for anyone? A. I was cook.

Q. And for whom were you cook? A. In 21 was Lizzie Bynine;
in 21.

Q. Lizzie Bynine? A. That is about two or three years ago.

By Chairman Lexow:

Q. Two or three years ago? A. Yes, sir.

By Mr. Goff:

Q. Didn't you keep a house yourself there in Bayard street?
A. No; I always worked for Mrs. Davenport.

Q. But you had charge of a house there, didn't you? A. Not full; she always looked out herself; she might leave for—

Q. You transacted business for her, didn't you; you conducted it? A. I done the work for her when she went out; she told me to look after things.

Q. Didn't you open up a house there? A. No; not for myself.

Q. Well, after this woman; after this Mrs. Davenport? A. No; there wasn't any more open after she left.

Q. When Mrs. Davenport opened up, you were the one that had charge of the house? A. When she opened up?

Q. Yes? A. I don't know how long ago.

Q. You opened up the house for Mrs. Davenport? A. I stayed there when she left.

Q. You stayed there when she left? A. Yes.

Q. You ran the business then? A. Well, I done the cooking and house work for her.

Q. After Mrs. Davenport left you took charge of the house?
A. Then there wasn't any more.

By Chairman Lexow:

Q. You said you opened up for somebody else; who was that somebody else? A. I didn't open up for anybody.

Q. Didn't you buy the house of Mrs. Arrge? A. No, I did not.

Q. Now, Mrs. Jones, do you remember going a few weeks ago to the Atlantic Garden one evening? A. I don't know.

Q. Don't you know where the Atlantic Garden is? A. Yes.

Q. Don't you remember going over to the Atlantic Garden to meet some men? A. No; I never meet any men.

Q. Weren't some men wanting to buy the house from you? A. No; the man wanted to buy a house I have bought in Great Jones street, a furnished-room house, and he wanted to buy a house in Great Jones street.

Q. In Great Jones street? A. Yes.

Q. Do you remember taking the bill of the play, or the programme, and writing your name and address? A. Five hundred and fifty-four Great Jones street.

Q. You remember writing your name on the bill of the play? A. Yes, sir,

Q. Well, this man you were going to sell the house to that was — he came from Patterson, didn't he? A. I don't know.

Q. Don't you remember him telling you he came from Patterson? A. I don't know.

Q. What sort of a house was this house in Great Jones street? A. A furnished-room house.

Q. And you had a two-years' lease of it, didn't you? A. No, sir; one year.

Q. One-year lease of it; what was the rent? A. Seventy five dollars.

Q. How many rooms were up stairs? A. Thirteen.

Q. Fourteen was it? A. Thirteen or 14; 18 or 14 rooms; I never lived there.

By Chairman Lexow:

Q. You never lived there? A. No, sir.

By Mr. Goff:

Q. Do you remember this man to whom you were going to sell the house, asking you if he bought it, what arrangement he could make with the police for protection? A. I said I could not give him any — I could not say anything about that.

Q. You told him you could not give him any guarantee? A. I said I can not, and he said several people give him so and so, and I could not do that.

Q. You could not guarantee police protection? A. I could not; I hadn't any myself.

Q. Do you remember telling him that he would have to make arrangements with the police himself? A. I did so.

Q. And do you remember telling him that he would soon find out, as soon as he opened, if he did not make arrangements with the police, that he would soon find out? A. I don't know.

Q. Don't you remember saying that to him? A. I don't know; he asked me, and I said he could not tell me anything; he would have to find that out himself.

By Chairman Lexow:

Q. Did you say to him that he would find it out very quickly, if he took the place? A. I did not; I said he would have to find it out for himself; I could not tell him anything.

By Mr. Goff:

Q. Didn't you tell him you were afraid now—people were afraid; do you remember saying that? A. No, sir; I did not.

Q. Do you remember him asking you were you afraid, and you said the Republicans afraid; do you remember saying that? A. No.

Q. You don't remember what you said at all? A. I remember that I said I could not tell him anything; he would have to find out himself.

Q. Yes, but when he asked you about police protection? A. I said I could not tell.

Q. Didn't you tell him the people in New York had to pay for protection? A. No, I did not; he said people told him; and I said, I didn't know anything about it.

Q. Didn't you tell him that you had to pay for protection? A. No; I did not.

Q. You swear to that? A. Yes; I swear to that.

Q. You are clear about that, are you? A. Yes.

Q. Your memory does not fail you? A. No; he asked me, and I told him he would have to find out everything himself.

Q. Is that all you said? A. That is all I said.

Q. Didn't you say you had to pay \$500? A. No.

Q. Not a word of it? A. No.

Q. Will you swear to that? A. I will swear to that.

Q. Is your husband in court? A. He is not here.

Q. Where is he? A. He is working.

Q. What is he working at? A. He is working.

Q. Where does he work? A. He works in Coney Island; I think his name is Connell.

Q. You saw him this morning, didn't you? A. Yes, and he went there this morning.

Q. You remember last election day don't you? A. Yes.

Q. And you were running a house of prostitution at Bayard street then, were you? A. I worked there.

Q. Weren't you there? A. Yes, sir; I worked there.

Q. And you are living there now? A. Not steady.

Q. But you are living there; that is your place of residence? A. No; not steady.

Q. You are there; you sleep there? A. Sometimes, not steady.

Q. You slept there last night? A. Yes.

Q. There are a lot of girls there? A. No, not now.

Q. Closed since last election; and it was not quite until the house got pulled on the 7th of February.

Q. It was not quite until the 7th of February; do you remember election day? A. I can't remember that.

Q. Don't you remember election day? A. I remember election day.

Q. Don't you remember the elections were held down stairs in your house as a polling place? A. I think — yes; but I didn't know anything about that.

Q. Then the day of the election, while the elections were going on in that basement, you were up stairs, were you not? A. Yes.

Q. And the girls in the house were up stairs? A. No; there wasn't anybody.

Q. Do you swear there wasn't anybody there? A. No; nothing.

Q. On election day? A. No; there wasn't any men in the house.

Q. Will you swear men did not come from the places where they voted, down stairs in the basement, up stairs into the house on election day? A. There is no entry at all.

Q. No entry from the basement? A. No, sir.

Q. Has it been closed up since? A. There is no stairway; you have to go out on the street.

Q. They went out on the street and went up on the stoop? A. No; they never came any man; the house was shut up.

Q. You were there? A. I was there; but the house was locked up.

Q. How many election days had you been in that house? A. I never lived there steady; worked between other people.

Q. Don't you know the voting has always been on election day in the basement of that house? A. No; only once.

Q. Last year was the only one? A. So long as I have been there.

Q. How long have you been there? A. Four years, but not steady.

Q. Where else did you live, if you did not live in the house 32 Bayard street? A. Two years ago I was at home, in Europe.

Q. Any other places you lived away from 32 Bayard street? A. Ninety-one Division street, with Mrs. Frank.

Q. How long with Mrs. Frank? A. About three months.

Q. Any other place you lived away from 32 Bayard street? A. Well, I was working; living out.

Q. Where did you live? A. In 33 Division street; and I worked once in 33 Bayard street; I didn't stay steady in 32.

Q. But that is your husband's place, and has been for the last four or five years? A. No sir.

Q. Didn't he run that house? A. No, sir.

Q. Don't you know he was the Tammany election captain last election day? A. No, sir; I know nothing about it.

Q. Didn't you see him standing on the sidewalk and giving out tickets? A. I know nothing about it.

Q. Didn't you see your husband? A. No.

Q. Didn't you see your husband last election day at all? A. I don't know.

Q. Will you swear you did not see your husband last election day at 32 Bayard street? A. I don't know.

Q. Will you swear he was either giving out tickets or ballots? A. I couldn't swear to anything; only I paid no attention; and some times he is away a week and two weeks.

Q. Don't you know he was working around the election? A. No, sir; I can swear to that; he did not work around election.

Q. Was he with you all election day? A. No, sir; but he was not around the house at all.

Q. How do you know, if he was not with you? A. He always went away from the house during election; he said he wanted nothing to do; he went to Philadelphia.

Q. What about Philadelphia? A. For a visit; to go away.

Q. You mean to say he went away last election day? A. I can not say exactly election day.

Q. Do you know where he was? A. He never was around there.

Q. Do you know where he was last election day? A. No, sir; I can not say.

Q. Didn't you see him? A. He came home to eat.

Q. He came home to eat during the day? A. Yes.

Q. Then what makes you swear he had nothing to do with election when you don't know? A. He was not around that place; sure I would know if he was around that place.

Q. You looked out through the windows? A. Sure I did; but I didn't sit there all day.

Q. You saw the men around the election place? A. I paid no attention who they were; there were too many around all the time.

Q. As a matter of fact, the basement of this house was selected by the police commissioners for the polling place on last election day.

The Witness.—There was a man had a clothing store that let the place out; my husband had nothing to do with the house.

By Chairman Lexow:

Q. You said that the house was closed up election day? A. It was closed before that.

Q. Before? A. Yes.

Q. And you said that it was then run on the quiet from that time on until the middle of February; is that right? A. The 7th of February.

Q. The 7th of February of this year? A. Yes.

Q. What difference do you make between a house being open and a house run on the quiet? A. I don't know.

Q. Is it in the one case that you have a promise of immunity or promise of protection from the police, and in the other place, you run it on the quiet, so the police should not discover you run it; is that so? A. When I run it, it was on the quiet, so the police should not discover it.

Q. And when you kept an open house, you kept it in such a way the police would know all about it; is that the difference you make in making the answer? A. I don't know.

Q. When you speak of a house being open, do you mean a house that is openly known to the police to be open? A. I don't know that.

Q. What do you mean by a house being run on the quiet? A. The doors are closed and on account it was pulled two years ago.

Q. Because the police told you to close? A. No; I don't know whom told us.

Q. A wardman? A. I never seen a wardman, because I did not deal with them, always the proprietor.

Q. The proprietor dealt with the wardman, did he? A. Yes, sir.

Q. Did you see the proprietor of the house you were in dealing with the wardman? A. No, sir.

Q. Never? A. No, never.

Q. Did you know that the proprietor was paying the wardman money? A. No; I never seen anything, and she never told me anything; and the basement is let out to a man that keeps a clothing store, and he lets the place out to the election; the basement don't belong to the house at all; it is by itself.

Q. It is separate? A. Yes; it is separate; there is no stairs inside.

Q. While you were working in these houses, did you know that the police knew of the existence of these houses. A. No, sir.

Q. Did you never see any police around there? A. I seen them walking outside the street.

Q. Don't you know the police knew that house was being opened and used for immoral purposes? A. I don't know.

Q. Why did you say that this house that you were in was being run on the quiet election day, until February 7? A. That is right inside.

Q. What is the difference you make between a house being opened and a house run on the quiet? A. I don't know the difference.

Q. Was it because they told you there that they were run on the quiet? A. That is all I am told.

By Senator Bradley:

Q. Who told you to close up the house? A. I was not told at all to close up the house.

Q. Who told you? A. Mrs. Davenport, the proprietor.

Q. Told you you would have to close the house? A. She got pulled on the 7th of February and then she left.

By Chairman Lexow:

Q. Seventh of February this year? A. This year, and since that she had nobody.

By Senator Bradley:

Q. You remained there? A. Some times.

By Chairman Lexow:

Q. Were you pulled, or was that house pulled before election day that made this difference between you running publicly and running on the quiet? A. It was closed most of the time.

Q. Before election day? A. Before election day.

Q. How long was it running openly before election day, until what time? A. I think only a couple of weeks; but I was three years ago I came from Europe.

Q. When did Mrs. Davenport start to run this house on the quiet when she commenced running it on the quiet? A. After it was pulled, two years ago.

Q. After it was pulled two years ago? A. Two years ago.

Q. And has been running it on the quiet ever since? A. Yes.

Q. Until the 7th of February? A. The 7th of February; yes.

Q. And before that she was running it openly and publicly, was she? A. Sometimes she had the door open, and sometimes not.

By Mr. Goff:

Q. Mrs. Jones, do you remember paying a hundred dollars one Saturday evening to Wardman Glennon? A. No; I do not.

Q. Do you remember when Captain Devery left the precinct?
A. I don't know anything about the captains; I don't know the captains.

Q. Do you remember saying to any one you had to pay a hundred dollars the Saturday before Devery left the precinct? A. No.

Q. You never said such a word? A. No.

Q. Do you remember telling those men that wanted to buy the house from you that they would do better by starting a one-dollar house than a two-dollar house? A, I don't know that; you ask them them questions yourself; I don't know.

Q. What did you go to the Atlantic for, anyway? A. On account he wanted to buy the place 54 Great Jones street from me.

Q. You wanted to sell a place to them? A. Yes; 54 Great Jones street.

Q. And you had never run this place 54 Great Jones street yourself? A. No.

Q. You knew they wanted to run that house as a house for women? A. No, sir.

Q. Didn't they tell you? A. Who?

Q. These men that wanted to buy a house? A. They said they wanted to rent it.

Q. They said they wanted to rent it for women? A. I said that is nothing to me.

Q. And you told them the number of rooms in the house? A. Yes; and I showed them the rooms.

Q. Didn't you tell them you had paid the police to allow you to do business? A. No, sir; I never run that house up there.

Q. I am asking you about the house in Bayard street; didn't you tell them you had to pay money to the police? A. No.

Q. Didn't you tell them you had to pay \$1,000 for a house in Bayard street—\$500 a house? A. I did not.

Q. You understood me, did you? A. I did not tell them.

Q. You understand what I am saying? A. I guess so.

Q. And you know you are under oath? A. I did not tell them anything.

Q. Do you know you are under oath? A. They would not ask me.

Q. Do you know you are under oath, Mrs. Jones? A. I did not tell them anything like that.

Q. Do you know you are under oath?

By Chairman Lexow:

Q. Just answer the question; do you know what you are doing

now; you are swearing under oath? A. Yes, I can swear I did not tell them anything like that.

By Mr. Goff:

Q. You know if you tell what is untrue that that is perjury; you know what that is; do you know what perjury is? A. No.

Q. Do you know what a false oath is? A. False swearing.

By Chairman Lexow:

Q. False swearing (repeating it in German)? A. Well, I never told them that.

By Mr. Goff:

Q. Do you know what false swearing is? A. Sure.

Q. Do you know if you commit false swearing what will become of you? A. I don't know; I don't swear falsely.

Q. Don't you know you will go to State's prison if you swear falsely? A. I do not swear falsely.

By Chairman Lexow:

Q. You know the punishment for false swearing in State's prison, don't you? A. I don't swear false; I never said anything like that.

Q. Did you ever say Captain Devery was the best captain you ever had in that precinct? A. No, sir.

Q. Never said anything at all? A. No; I did not; I never seen Captain Devery.

Q. Did you ever mention his name? A. I did not.

Q. How long did you sit with this man in the Atlantic Garden? A. It is about 10 minutes.

Q. Only about 10 minutes? A. Yes.

Q. Did you have some beer? A. No; I did not.

Q. Where did you see them before you went to Atlantic Garden? A. In no place.

Q. Did you meet them in the Atlantic Garden? A. No; they met me.

Q. Is that the first time you ever saw them? A. Yes, sir.

Q. What brought you to Atlantic Garden? A. They asked me to sell the place 54 Great Jones street.

Q. What made you go to the Atlantic Garden in the first place if you did not go to meet those men there? A. They told me to go there.

Q. When was it they told you to go there? A. I can not tell the date.

Q. Where did you see them before you went to the Atlantic Garden? A. I saw them no place.

Q. You saw them no place; how did you know then, that they wanted you to come to Atlantic Garden if you had never seen them? A. A man came and told me he knowed a man to buy a place; and I did not know he was the man.

Q. Where was you when the man came and told you that? A. I was in Bayard street.

Q. In Bayard street; it is a house you have been in there in the last four years, is it not? A. No, sir.

Q. Is it the same house — 32 Bayard street? A. Yes, sir.

Q. And a man went in and told you? A. He has a man to buy the place 54 Great Jones street.

Q. And you went there to the Atlantic Garden? A. Yes; and he wanted to see my husband; and I said he had nothing to do with it.

Q. Didn't you talk at all about the police? A. No, sir; he asked me, but I could not give him any information.

Q. Did you ever see a policeman or wardman at your house in Bayard street? A. No, sir.

Q. Never saw one in your life, did you? A. Yes, sir; I see them often on the street but they don't know me, because I never spoke to any of them; you can ask them; but I never spoke to anyone.

Q. Did you tell this man at Atlantic Garden anything about what your girls charged in Bayard street? A. No.

Q. Not a word? A. No.

Q. Nothing at all said about Bayard street? A. No; only about the other place, and the only place; I don't know much about it myself.

Mr. Goff.—That is all. You may question.

Mr. Nicoll.—No questions.

Charles Krumm, 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 sixty-seven Chrystie street.

Q. Chrystie? A. Chrystie street.

Q. You have come here under a subpoena? A. Yes, sir.

Q. You have not come here voluntarily? A. No, sir.

Q. Have you ever conversed with me or any of these gentlemen around me here? A. Never.

Q. Do you keep a place of business? A. Yes.

Q. At Chrystie street? A. I do.

Q. And what is the nature of your business? A. I keep a variety.

Q. A variety hall? A. A concert hall; the last 16 years.

Q. You obtained licenses from the various mayors of New York, didn't you? A. Always.

Q. Mayor Hewitt, even? A. Before the Honorable Grace was mayor, I had license already.

Q. Mr. Hewitt made a particular inquiry regarding your place, didn't he, if you remember? A. Yes; I do.

Q. And Mr. Grant, when he was mayor, he gave you a license also? A. Always.

Q. Have you a license now? A. No, sir.

Q. Has the present mayor refused you a license? A. He did.

Q. Do you know why your license was refused this time? A. On account of a bad report of the police, of this present Captain Cortwright.

Q. On account of the report of the present captain; did you ever have any trouble with the captains before that? A. With this precinct captain?

Q. Any before Captain Cortwright? A. No; never; except with Allaire.

Q. What trouble did you have with Allaire? A. Allaire was that kind of a man; I would not do what he wanted.

Q. What was that? A. He wanted of a dollar, 99 cents, and I would not do it.

Q. He wanted what? A. He wanted of a dollar, 99 cents, and I would not do it.

Q. You mean every dollar you made in your place, he wanted 99 cents? A. Yes; he wanted 99 cents.

Q. In other words he wanted money of you, you could not give? A. He wanted it, but I never paid a cent, because I am running a respectable place—a family resort.

Q. You felt you were not compelled to pay a police officer? A. Not a bit of it; I would not pay a cent.

Q. Was you troubled after that? A. Never; there was Captain McLaughlin, a nice gentleman; Captain Cassidy treated me like a gentleman, and he said you keep a very fine respectable place, and I am proud of it; and so did Captain Devery, and he came often in my place, and he said I am astonished you keep such a nice place in this street; I give you credit; you keep a very nice place.

Q. When Captain Allaire was there, who made the demand on you—himself? A. No; never himself; some of his men.

Q. Was that the only police captain there that either through himself or his men made a demand on you? A. That is all.

Q. Did he make a demand on you more than once? A. Yes; mostly every week, as long as he was there; when they found out they could not do what they wanted with me they arrested me every other day.

Q. They arrested you? A. They tried to break me up entirely and could not do it.

Q. When did your license expire? A. On the 1st of February.

Q. Of this year? A. This year.

Q. And you have been running the same kind of a place that you have run for the last 15 or 16 years? A. Yes, sir.

Q. Since February? A. Yes; since February.

Q. And since Captain Cortwright came into that precinct? A. Yes, sir.

Q. And you say Captain McLaughlin and Captain Devery and other captains went in there and expressed their satisfaction with your place? A. Yes; they were satisfied.

Q. Was Captain Cortwright in your place? A. Once in the afternoon, when I made an application for an excise license.

Q. What did he say? A. He did not say anything; and I said, "Have you anything against my boy taking glasses;" and he went out and did not say a word.

Q. Have you been told anything about keeping quiet while this investigating committee is in town? A. Yes.

Q. What is the effect of what you have been told? A. Well, there are lots of friends there.

By Chairman Lexow:

Q. Who told you? A. There was different parties.

Q. Policemen? A. No; private men; business men; they went down and asked the captain why they don't give that man a license, and give him a good report, and they gave him to understand I should keep quiet until you left the city.

By Senator Cantor:

Q. These were business men you speak of? A. Yes.

By Mr. Goff:

Q. These men went down to the captain, you say? A. Yes; they gave a good report for me and said I kept a respectable house for a good many years.

Q. And after they visited the captain they came and told you you should keep quiet? A. Yes; I should keep quiet until the committee left the city.

Q. And then you would receive your license? A. Yes.

Cross-examination by Mr. Nicoll:

Q. When was all this? A. This Friday; it was a week time—

Q. When was Captain Allaire in the district? A. Six or seven years ago.

Q. Of course, since then, we have had Captain Cassidy, Captain Cross, Captain McLaughlin, and Captain Devery, and Captain Cortwright? A. Yes; the present captain.

Q. He was prior to all those captains; he was ahead of all those captains? A. Who; Allaire was the first of all of them.

Q. Now, I understood you to say that when Allaire was there he raided your place on several occasions? A. He did not raid me; he only arrested me on account of the excise, and on account of my giving a concert Sunday; what we call a sacred concert; when the band played a tune that was lively he said it was no sacred concert, and if they played marches the next day I was arrested by a warrant; and Justice Duffy got sick of it, and said that it is a crime, and said what is the reason.

Q. You felt pretty bitter in consequence of all that, didn't you; you felt pretty sore of Allaire? A. Did I; can you blame me?

Q. You felt sore of Allaire? A. Not very sore; I only wanted justice.

Q. You never had any conversation with him, did you, on the subject? A. Oh, very often.

Q. Did he ever demand money of you? A. He never said that himself; the only remark that he made was when he left me, he said, "Don't forget me."

Q. Did he ever ask you for a dollar? A. He never asked me for a cent.

Q. Tell me the name of any of his ward detectives who, six or seven years ago, asked you for a cent? A. Ward detectives; Oh, well, of course, they are all out of the ward now; they are all different men now; some of them they discharged and some they assigned, and some went into other business, and one of them is Ducal, who keeps a place on Clinton place and bowling alley on Sixth avenue.

Q. These men are not on the force now? A. They are not on the force now.

Q. This year you applied for a license? A. I did, always.

Q. And you did not get it? A. Not for the last four months; my license expired the 4th of February.

Q. Did your license expire with the board of excise? A. I got that.

Q. What other license did you apply for? A. A concert license.

Q. That has to be applied for to the mayor? A. That comes from the mayor; the mayor has to sign it.

Q. Has an investigation been made of your place? A. Very often; yes.

Q. And an adverse report made against it by Captain Courtwright? A. Only by him.

Q. And on his report the mayor has refused to grant his license, hasn't he? A. Yes.

Q. You are sore about that, aren't you pretty sore? A. Well, there is no reason there whatever.

Chairman Lexow.—Any further question? That is all.

Mr. Goff.—One moment.

Q. You remember, Mr. Krumm, you remember who the wardmen were there? A. Lately?

Q. Under Allaire? A. Yes; there was different men detailed for private duty; one man by the name of Stafford, one by the name of Ducall who keeps a hotel or lager beer saloon on Eighth street near Sixth avenue; and Stevens.

Q. Do you remember Sullivan? A. Sullivan was under Cassidy, not under Allaire.

Q. Do you remember Ernest Byer? A. Yes; he was under Allaire and he never arrested me under such questions.

Q. Do you remember the man Wilson? A. Yes.

Q. He is there now? A. He has resigned, on half pension.

Q. Aren't you mistaken? A. No, sir.

Q. Isn't it Beyer that has resigned on pension? A. Mr. Wilson is one week on pension.

Gustave Prell, called as a witness on behalf of the State, being duly sworn testified as follows:

Direct examination by Mr. Goff:

Q. You heard the testimony here to-day, haven't you, from many of the witnesses on the stand? A. Yes, sir.

Q. What business are you in? A. No business at all now.

Q. Were you ever in the liquor business? A. Some four years ago.

Q. You are aware that any witness who testifies here is protected from prosecution for anything he may testify to under this investigation; you are aware of that, are you? A. Yes; I understand that.

By Chairman Lexow:

Q. You understand anything you say here can not be used against you? A. Yes.

By Mr. Goff:

Q. Were you in business for yourself in the liquor business?
A. Yes; in 1890.

Q. Where was your place of business? A. Eight Avenue A.

Q. It was an ordinary liquor saloon, was it? A. It was a saloon.

Q. Had you a license for that place? A. Not my own license; there was a license there; the license was not transferred at that time, and this license was not signed on the back side of it from the owner of the license, so I had to keep the same license, and I did not calculate to take a license out anyway.

Q. How long did you run the place that way? A. About three or four months.

Q. So, practically speaking, you ran your place without a license? A. I did not have my own license.

Q. You did not have a license for that place? A. No, sir.

Q. Did the policemen on the beat know that? A. The excise inspector did.

Q. The excise inspector did? A. Yes.

Q. At one time, with him, to keep quiet about it? A. I paid him so much a month.

By Mr. Nicol:

Q. Paid who? A. The excise inspector; I paid five dollars a month, I think.

Chairman Lexow.—Is this applied on the police banks or the excise board?

Mr. Goff.—I don't know what it will develop, Senator, so far.

The Chairman.—Let us take the testimony, and if the excise board want to be represented, they can be.

Mr. Goff.—We have got to make use of the material that comes to our hands.

By Mr. Goff:

Q. You paid the excise inspector, you say? A. Yes, sir.

Q. How much did you pay him? A. I think I paid him probably three times, \$5 each month.

Q. What was his name? A. I couldn't say.

Q. He was excise inspector for that district? A. I forget, now; I knew where he lived; I don't remember his name.

Q. Where did he live? A. He lived on Avenue A and First street, I think.

Q. Did he go to your place to collect the money? A. To collect the money?

Q. Did the policeman know anything about your running a place without a license? A. I think that, as long as he got it, nobody else got that money; I was not bothered otherwise.

Q. Did you have any friends with the wardman there? A. Not as I remember, exactly.

Q. What? A. I don't remember exactly; it was in 1890.

Q. Don't you remember that you had some connection with a wardman about that time? A. I don't know who the wardman was at that time.

Q. Didn't you pay somebody else some money besides the excise inspector? A. Well, I couldn't say that, exactly; I don't think so.

Q. Now, Mr. Prall? A. I do not think so.

Q. Don't you think you would know if you did? A. It is so long ago; I would not—

Q. It is only four years ago? A. I didn't calculate to come here to testify.

Q. Don't you know you did pay money to a wardman there; now, you say under oath, Mr. Prall, and you are an intelligent man, and you know the penalties of perjury, and you don't want to commit perjury, I am sure—isn't it a fact that you did pay money to the wardman? A. Well, I did not know who the wardman was.

Q. You did pay money to somebody else besides the excise inspector? A. I think I paid once \$5; it was not the wardman; I think it was the sergeant.

Q. We will take the sergeant; who was the sergeant? A. I don't remember.

Q. Where was it you paid the sergeant? A. Right in the saloon.

Q. Wasn't it the sergeant of that precinct? A. In the Fifth street station-house.

Q. Do you remember the captain's name that was in the precinct at that time? A. I don't know; I did not know anybody.

Q. Was that all the money you paid? A. That is all the money I paid.

Q. That sergeant knew you had no license? A. Well, what I remember, I think that he came in with the excise inspector, together; he and the excise inspector came in together.

Q. And you gave each of them \$5? A. Yes; that is what I remember.

Q. Is that all the money you paid? A. I paid more to the excise inspector.

Q. Where? A. On Twenty-second street, between Third and Second avenue; I kept a place once; I didn't have no license;

There was just a new license taken out, and that was in 1891; I think it was.

Mr. Nicoll.—I don't know anything about representing the excise board here, and he has exhausted the police part of it.

The Witness.—The police never bothered me there.

Chairman Lexow.—This evidence does not seem to be against the excise board, but against an inspector.

Mr. Nicoll.—No; against an excise commissioner.

Chairman Lexow.—Inasmuch as you do not represent the excise board, I do not see why you object.

Mr. Nicoll.—I simply address myself to the committee in the sense of fairness.

Senator Cantor.—I suggest it to the committee, that the testimony affected the excise board, and the excise board ought to be represented. I do not see any objection to taking his testimony, however, as the witness can be got again.

By Mr. Goff:

Q. Will you proceed? A. There was a license in Twenty-second street, between Second and Third avenues; I did not incline to keep that place; it was such a rough place there; I did not get out a license, but kept the license just the same, and one night the excise inspector came there; and one night I came home and the bartender told me they were going to close up the place, because I did not have the license, and I gave each one of them \$5.

Q. Each of the inspectors? A. Each of the inspectors, and the place was kept open, until I sold it again.

Q. Was that all the money you paid? A. Yes.

Q. Did you pay any more money at any other time? A. Never. That is the only two places I kept any liquor business.

Q. What business are you in now? A. I keep a restaurant for two years, and last I kept a summer hotel.

By Senator Bradley:

Q. Where do you live now? A. Two hundred and fourteen Thirty-sixth street, Brooklyn.

Chairman Lexow.—Do you want to ask any questions?

Mr. Nicoll.—No.

John McElroy, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

- Q. What is your business? A. Produce business.
- Q. Produce? A. Yes.
- Q. Where are you engaged? A. Six and 7 Manhattan Market, Thirty-fourth street.
- Q. West Thirty-fourth street in this city? A. Yes.
- Q. You have got a nephew on the police, haven't you? A. I have not, sir.
- Q. Have you a son or any relative on the force? A. No, sir.
- Q. What is your full name? A. John McElroy.
- Q. Have you got any nephews? A. Nephews; yes.
- Q. What are their names? A. There is one of the name of Leffels; there is another of the name of Scanlan.
- Q. Where is your nephew Scanlan? A. He lives in Spuyten Duyvil.
- Q. What is his business? A. Workingman.
- Q. When did you see him last? A. It must be two months ago, I think.
- Q. He was then working? A. I couldn't say.
- Q. He was then in the same occupation he was? A. I suppose so.
- Q. Laboring man? A. I suppose so.
- Q. Was he ever on the police, do you know? A. No; he was never on the force.
- Q. Did you ever have a nephew on the force? A. No.
- Q. Is that the only nephew by the name of Scanlan you have? A. Scanlan and Leffels; Leffels is in Brooklyn.
- Q. That is the only nephew of the name of Scanlan? A. Yes.
- Q. Did he ever live in Yonkers? A. No.
- Q. Is he a married man? A. No.
- Q. A single man? A. A single man.
- Q. Do you know if he ever tried to get on the police force, to your knowledge; if your nephew Scanlan ever applied to go on the police? A. I think he did.
- Q. How long ago? A. Well, I could not say how long since he applied to go on; I could not say that.
- Q. Did you sign his papers? A. No; I did not.
- Q. Had you anything to do with trying to help get him on? A. Nothing at all, sir.
- Q. Do you know why it was he did not get on? A. I do not.
- Q. Was it within a year he applied to get on? A. I couldn't say.
- Q. Within two years? A. I couldn't say.
- Q. Within five year? A. I don't know.
- Q. Within 20 years? A. I don't know.

Q. Within a hundred years? A. I do not know.

Q. Do you know anything? A. I don't know anything about what he did; I have not been to Spuyten Duyvil within 12 or 14 years.

Q. Where did you see him in the last two months? A. I saw him in my house.

Q. Where and when did you see him at the time he applied to go on the police force? A. I believe he came down to be examined, and he called that afternoon in my house, as he was going home.

Q. How long is that ago, as near as you can recollect? A. About two months, I think.

Q. About two months? A. Yes; it may be two months, or less or more.

Q. You said a little while ago you did not know how long it was since he applied for appointment on the police force, and now you say about two months ago? A. No; I did not; when he applied first I do not know.

Q. Do you know when he applied first? A. I do not.

Q. Did he tell you when he applied first? A. He did not.

Q. Did you hear anything at all about his going on the police force except when he visited you about two months ago? A. This is the first.

Q. And the only time? A. That was the only time he came to me going home; he was down getting examined, and he called and got dinner, and I think went home then.

Q. And that is the only time you heard about his trying to get on the police force? A. That is the only time I believe I heard.

Q. Not what you believe, do you know it was a fact? A. I know it as a fact.

Q. That is the only time you heard about his going on the police force? A. Yes, sir.

Q. Wasn't you a little surprised when he told you he was down to be examined by the doctors? A. Not at all.

Q. You have not got any sons of your own, have you? A. I have.

Q. How many? A. Two.

Q. Two sons? A. Yes.

Q. Did you ask him when he had applied for appointment? A. I did not.

Q. You took no interest in him whatever? A. No, sir.

Q. Did he ever owe you any money? A. He never did; no.

Q. Does he owe you any money? A. He does not.

Q. Did he ever borrow any money? A. No.

Q. Do you keep a bank account? A. I do.

Q. Where do you keep a bank account? A. In the West Side Bank.

Q. A bank of deposit? A. Yes.

Q. That is Forty-second street and Eighth avenue? A. Thirty-fourth street and Eighth avenue, right around the corner.

Q. Did you have a bank account at the time your nephew called on you? A. Yes; I have had a bank account the last 25 or 30 years.

Q. Did you draw a check to the order of your nephew? A. Never.

Q. Did you ever have a check cashed for him? A. Never.

Q. Did he ever ask you? A. He did not.

Q. Did he say anything to you about it being difficult to get on the police? A. He did not.

Q. Did you ask him whether it was difficult? A. No.

Q. You were thoroughly indifferent whether he got on or not? A. Yes.

Q. Thoroughly indifferent? A. Thoroughly indifferent.

Q. Took no interest in him whatever? A. Not a bit.

Q. And you say, you never drew a check to his order? A. Never.

Q. Do you remember if you drew a check on the same day he called on you to anyone's order? A. I might; I sometimes draw three or four.

Q. It was done in trade, perhaps, if you drew a check? A. If I did, it was in trade, perhaps.

Q. In money you took in for the sale of produce, you banked every day? A. No; I may be for a week.

Q. When you get large sums of money, you pay it out, do you give it out; don't you, by checks? A. Yes, sir.

Q. You do not deal by giving out bills? A. No.

Q. Did you have any talk at all with your nephew about going on the police? A. I did not.

Q. He merely told you, he came down to the surgeons? A. That he came down to get examined.

Q. Did you ask him to be examined for what? A. He told me he came down to get examined to go on the police.

Q. Is that all he told you? A. That is all.

Q. Did you say to him, "I did not know you were applying for appointment on the police;" didn't you say that to him? A. No; I did not.

Q. Did you pass any remark at all upon it? A. No remark that I remember at all upon it.

Q. Was it at the dinner table? A. I could not say whether it was at the dinner table or at the store.

Q. Do you know what precinct he is in? A. I do not.

Q. You know nothing at all about it? A. No.

- Q. You have never seen him since? A. Not in two months.
- Q. Since the time he told you he was applying for the police department? A. Yes.
- Q. Nor did you hear from him? A. No; nor didn't hear from him.
- Q. Do you swear positively you never gave him any money? A. Yes; I do, positively.
- Q. You never gave any other person any money to give him? A. Never.
- Q. Did you ever give any money to any person with the knowledge it was to go to him or for his use? A. Never.
- Q. Never a dollar? A. Never.
- Q. You are a lucky uncle? A. All the same I give them money when they want it.
- Q. Give who money? A. His mother, or father, when they lived.
- Q. His father is dead? Q. He is.
- Q. And his mother is your sister? A. Yes.
- Q. He lives with your sister? A. Yes.
- Q. Did you ever give his mother any money? A. If she came to the house and wanted any money, I gave her \$5 or \$10.
- Q. Did you give her any money in the year? A. I did not; she was in the house one day, and I made her a present, I think, of \$10.
- Q. Is that the last money you ever gave her? A. That is the last.
- Mr. Goff.—We have had some witnesses subpoenaed, Mr. Chairman, and they have left the court-room, I am informed, under the impression, they would not be called to-day, and others have disobeyed the subpoenas, and we have not got any further evidence to go on this evening.
- Senator O'Connor.—Disobeyed subpoenas?
- Mr. Goff.—Yes.
- Senator O'Connor.—We shall take proceedings against them.
- Mr. Goff.—We shall do so.

Proceedings of the nineteenth meeting of the committee in the city of New York, Monday, June 4, 1894, at 10:30 a. m.

Present.—Senators Lexow, O'Connor, Cantor, Bradley and Robertson.

Counsel on both sides present.

Mr. Goff.—Is Mr. Swartzenfeld in court?

Chairman Lexow.—Is Mr. Swartzenfeld in court? (No reply.)

John Oscar Kline was also called, but did not appear.

Timothy Donohue, 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. Junk business.

Q. Did you have a son recently arrested on charge of a crime?

A. Yes, sir.

Q. On the complaint of an Italian woman? A. Yes, sir.

Q. Having stolen some locket? A. Yes.

Q. Do you know the officer's name who arrested your son? A. I don't know his name, sir.

Q. What station-house? A. Fourth.

Q. That is Oak street? A. Yes.

Q. Fourth precinct? A. Yes.

Q. Don't you know his name was Oakley or Oakland? A. Oakley or Aikley; I can't tell you which it is.

Q. It was a name like that? A. I can not say, what is the officer's name.

By Chairman Lexow:

Q. Do you know his number? A. No, sir.

Q. Could you identify him if you saw him? A. Yes.

By Mr. Goff:

Q. You know you are under oath? A. Yes; I am under oath, and I will testify to nothing but the truth; it is a bitter thing to fetch me right here to-day.

Q. Did you pay any money to any person upon your son's arrest? A. I did, to a lawyer; my wife gave it to a lawyer.

Q. Outside of a lawyer, did you pay any money? A. No, sir; I did not.

Q. Was any money asked of you? A. There was none asked of me; not a solitary cent.

Q. Did you say anything to anyone of any money having been asked? A. No, sir; I did not.

Q. What? A. No, sir; I did not.

Q. Not even to your wife? A. I spoke to my wife; this Italian woman that got this boy arrested, she said the locket was only worth \$7.50, and she wanted \$20 to settle it, and I said I would not give her 20 rotten buttons to settle it, and I said I would fight it, too; I seen the officer that arrested my boy, and I said, "Officer, what has my boy done;" he said, "He has done nothing, and he ran into my arms, and was accused of taking a locket, and the Italian woman ran right into the station."

Q. Didn't you say sooner than pay the Italian woman any money you would pay it to the officer? A. I said I would better pleased to give it to the officer, if there was anything at all to be given; yes, I did.

Q. Have you seen that officer since? A. No, sir; I have not seen the officer since.

Q. Have you seen the officer since you were subpoenaed here? A. No, sir.

Q. What were you going to do on your way to the Oak Street station? A. I told you I was under oath now.

Q. What did you go for? A. I went to see the officer. My boy was arrested by with some pawn tickets on his person.

Q. After you got the subpoena to come here before the Senate committee, didn't you go to the Oak Street station? A. I did not.

Q. Weren't you on the way going there? A. I went down to buy shoes for my wife and two children.

Q. Weren't you going to the Oak Street police station after you got the subpoena? A. Not at all.

Q. When did you get the subpoena? A. I got it about half-past seven Saturday evening.

Q. Have you seen anyone since that time? A. No, sir; I have not seen anyone.

Q. Or talked to anyone? A. Talked with none.

Q. Where do you live? A. No. 98 Essex street.

Q. You were to the district attorney's office on your son's trouble, weren't you? A. I was not.

Q. Didn't you come down here to the district attorneys? A. No; the man that gave that is false.

Q. Didn't you go to the district attorney's office here? A. I did not.

Q. Did you go to any court? A. I did not, only to this court here, and I am thirty years in this city, and don't know my way to this court.

Q. Is this the only court you have been in? A. I was right in the next court in 1868 with my papers.

Q. Were you in any court when your son was in trouble? A. I was in this court, sir.

Q. In that building? A. Yes.

Q. Didn't you go up-stairs where your son was to be tried? I did, sir.

Q. And who went up-stairs with you? A. My boy.

Q. And who else? A. My wife, and a man of the name O'Hara.

Q. Who else? A. I don't know any person that went up with me.

Q. Did you see the officer that made the arrest that day? A. I see him right in the court-room.

Q. Did you talk with him? A. I talk with him?

Q. Yes. A. I went right outside.

Q. You went outside with him? A. Yes; and I asked the officer —

Q. Just wait a moment; you went with the officer outside in the hall, didn't you? A. Yes.

Q. And you saw the officer in court? A. I saw him in court sitting down in the court.

Q. And did you ask him to go out in the hall with you? A. No, sir.

Q. Did he ask you to go out in the hall? A. No, sir; I saw the officer and asked him if the trial was to come off that day; he said, I don't know; it might come off this afternoon.

Q. Didn't you tell the officer the Italian woman had applied to settle it with you for seven dollars? A. I did not; I said the Italian nodded to me; my wife wanted to know what my boy was arrested for; my boy was supposed to be arrested for this locket.

Q. Didn't you tell the officer that the Italian woman offered to settle it for money? A. Yes, sir.

Q. And didn't you tell the officer if you were to pay any money you would sooner give it to him than to give it to the Italian woman? A. I did, sir.

Q. And after you told the officer that, didn't you slip some money into his hand? A. I asked the officer to have a cigar or drink, and he said no, I am obliged to you, but I don't drink or smoke; I am under oath.

Q. You have not answered my question, sir; when you told the officer you would sooner give him the money than give it to the Italian woman so as to help your boy, didn't you slip some money in the officer's hand? A. I told him it was for a drink, when he wouldn't take a cigar.

By Chairman Lexow:

Q. Didn't you put money into his hand; don't you remember you put money into his hands? A. I put a few dollars in his hand.

Q. How much? A. Five dollars; that is not saying —

By Mr. Goff:

Q. Never mind; now, Mr. Donohue, why didn't you tell that first and save us all this time; are you afraid to tell the truth?

A. I think it is outrageous to put a citizen on this stand; I have been 33 years in the city, and never was put in a court before.

Q. Are you afraid to answer? A. No, sir; I am not.

By Chairman Lexow:

Q. Why did you decline to answer, or refuse to state the fact that is now stated when it was first enquired about; why did you first state you had not paid any money; were you afraid? A. No; this officer is a good-hearted man; this officer said — I said it, and what I have said I have got to stick to it; I said, "Officer, won't you have a drink?" he said, "I don't drink or smoke;" you told me my boy was arrested for stealing, and I slipped a \$5-note in the officer's hand, not with the intention of bribing him or anything of that kind.

Chairman Lexow.—We don't care anything about what you intended.

By Mr. Goff:

Q. After you did that the officer closed his hand on the bill? A. I did not see, sir.

Q. You did not get back the bill? A. I didn't want the bill back anyway.

Q. Your boy was discharged after that, wasn't he? A. Yes; my boy was discharged.

Q. Did the officer go on the stand and testify in your boy's case? A. Yes, sir.

Q. And after the officer's testimony was heard, your boy was discharged? A. It went to the jury, sir.

Q. He was acquitted? A. Yes.

Q. Are you sure it was a \$5-bill? A. Yes; I am sure it was a \$5-bill.

Q. How much did you have left on your person? A. I hadn't a solitary cent on my person but a \$5-note, and I would give it to you or any other fine man any time.

Q. I am not talking of that; from whom did you get the \$5? A. From my wife.

Q. She changed some money, didn't she, that morning? A. Yes, sir.

Q. And what money did she change? A. I can not tell what she changed; in the name of God, I can not tell what my wife would do in the whole day.

Q. You asked her for some money? A. No, sir; I did not; she gave me the money.

Q. What did she give you the money for? A. She did not give it to me to bribe anybody; she gave it to me to go and get a drink—or smoke—I did not drink, but smoked.

Q. If you don't drink, why did you require \$5 from your wife that morning? A. I wanted a little money in my pocket, sir; when I am in business, I may need it; I was in the junk business.

Q. You were not going to the junk business, you were going to court? A. I was going to both.

Q. What did you want the money for to go to court? A. I wanted to treat the officer, if he smoked, to a cigar.

Q. You told your wife you wanted the money for that purpose? A. I did not tell her what I wanted the money for; I told her to give me a few dollars.

Q. You and your wife had been talking about it? A. Not in court.

Q. Not in court, but in your house.

Chairman Lexow.—Just answer the question.

Q. Weren't you and your wife talking about the subject, that it would be better to give the officer a little money than to give the Italian woman the money? A. I was not in the house.

Q. Did you or your wife? A. No, sir; I did not; I was not in the house.

Q. Didn't you and your wife talk together that it would be better to give the money to the officer than to the Italian woman that claimed the property was stolen from her? A. No, sir.

Q. Not a word between yourself and your wife? A. No, sir.

Q. You swear to that? A. I am swearing to that, and know I am under oath; not for the city of New York would I like to take the stand.

Chairman Lexow.—Never mind that. You only make your examination longer by making these explanations.

Q. Don't you remember the first day you gave the officer the money the case was postponed? A. Yes.

Q. When the case came up for trial the next time, did you give him any more money, A. No, sir.

Q. Was that all the money you gave him? A. That was all the money I gave the officer to take a drink, but not with the intention of giving him a bribe.

Chairman Lexow.—We don't care anything about your intentions, that you was prompted by giving your testimony. Do not try to excuse yourself, but give facts.

By Mr. Goff:

Q. You are in the junk business, and buy old iron and scrap metal, and thing of that kind? A. Yes, sir.

- Q. Have you a hand-cart and push-cart? A. Yes, sir.
- Q. You go from house to house collecting these things? A. I do not, sir.
- Q. Do the police ever visit your yard for stolen property? A. No, sir.
- Q. Have you a license? A. I have, sir.
- Q. Did the police ever stop you on the street to look for your license? A. No, sir; for I have a badge on my breast with the number on it.
- Q. When did you get your license? A. Last May, 12 months.
- Q. How long is the license good for? A. It expires the last end of May, of this month.
- Q. Did you go to the City Hall yourself for the license? A. Yes.
- Q. Yourself? A. Yes.
- Q. And paid your money there? A. Paid my money there.
- Q. You haven't got a license now? A. No; I have not; I told you that I had no license now.
- Q. And have you been doing your business? A. Yes.
- Q. Without a license so far? A. Without a license so far; yes.
- Q. And have the policemen asked you anything about whether you had a license? A. No, sir; they have not; I am going to renew my license, but I haven't got money to renew it.

By Senator Bradley:

- Q. One question; you said that the officer told you that he neither smoked nor drank? A. Yes.
- Q. What is the idea of giving a \$5-bill for getting a drink after he told you he did not drink? A. When I saw the man was right, and told me my child was not guilty, I am built that way.

By chairman Lexow:

- Q. Had you been told before you went to the court-room that day that you could use money in that way? A. No.
- Q. Had you any conversation with that officer before? A. Never in my life, I swear; one evening I came down and asked him if he was the officer arrested my boy, and he told me he was; says I, "Did you catch him in the act?"
- Q. Did you speak to him about money there? A. No, sir; I did not; the officer never asked for money.

By Senator Bradley:

- Q. How old is your boy? A. Going on 23 years, he was born 1872, August 9th.

By Mr. Goff:

Q. After you gave the officer \$5, the officer said he would do what he could for you? A. No, sir; he did not.

Q. Did he say a word at all? A. No, sir.

Q. Didn't he tell you he would not be hard on your boy? A. He said what he said he would stick to; he said he did not catch my boy in the act of stealing anything, and I thought the officer —

Q. He told you he would not be any harder on the boy than he could help? A. No.

Q. Did he say words like that? A. In the name of God, he mentioned no such thing.

Q. Didn't he say he was sorry for him? A. He said the complaint was right —

Chairman Lexow.—Just answer the question.

Q. Didn't he tell you he was sorry for you? A. No, sir.

Q. Didn't he say he would be as kind as he could to you? A. Well, certainly he did.

Cross-examination by Mr. Nicoll:

Q. What was the charge against your boy? A. My boy being drunk, and he was arrested in the street for a little bit of a locket on this lady's neck.

Q. What was he indicted for? A. I could not tell you, I was in the city for 33 years.

Chairman Lexow.—Answer the question.

Q. You don't know what the charge against him was? A. For petty larceny, I believe.

Q. Upon whose complaint was he indicted? A. This Italian woman, that this locket was taken off her neck.

Q. What had the officer's testimony to do with the case; did he make the arrest? A. He arrested my boy.

Q. Did the officer detect him in doing that alleged crime? A. No, sir; he did not; he ran into his arms; the boy was drunk.

Q. He had nothing to do except arrest him for it? A. No, that is all.

Q. Was the warrant against your boy issued on the affidavit of the officer or the affidavit of the Italian? A. The affidavit of the Italian.

Q. Well, all the testimony of the officer then was to describe the circumstances under which he had made the arrest of the boy? A. Yes.

Q. And that he had sworn to in the magistrate's court, hadn't he? A. Yes.

Q. And he repeated that testimony before the jury in general sessions? A. Yes.

Chairman Lexow.—Don't lead this, Mr. Nicoll, that is a little too leading.

Mr. Nicoll.—Why shouldn't I lead? Mr. Goff does nothing else but lead.

Chairman Lexow.—You are putting a story right into the witness's mouth.

Mr. Nicoll.—Haven't I the worst example in the world to do that. I have fallen into that fault from listening to the transactions of the committee.

Chairman Lexow.—They are substantially adverse to the committee, and Mr. Goff's examination is the ordinary cross-examination and yours is the direct.

Mr. Nicoll.—That is, when a witness comes on the stand and makes a charge of corruption, my position is that of direct-examination.

Chairman Lexow.—This witness does all he can to cover up a large corruption, and properly then he is a witness against the committee and not for the committee.

Mr. Nicoll.—I suppose my position was the position of counsel for the department against which the committee is making a charge.

Chairman Lexow.—Exactly.

Mr. Nicoll.—I am not examining in chief.

Chairman Lexow.—There is a clear distinction between ordinary cases and this case.

Mr. Nicoll.—I appreciate what is in your mind, but where the witness —

Chairman Lexow.—I am sorry if I cannot express it.

Mr. Nicoll.—You are getting me in a very bad habit here. That is all, Mr. Donohue.

Chairman Lexow.—Is that all of Mr. Donohue?

Mr. Goff.—Yes. Is Mr. Swatzenfeld in court?

(The witness does not answer.)

Augusta Thurow, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct-examination by Mr. Goff:

Q. What is your full name? A. Augusta Thurow.

Mr. Goff.—Mr. Chairman, will you please inform this lady of the protection which the law affords her.

Chairman Lexow.—Any testimony that you may give before this committee, you are absolutely protected in giving; it cannot be used against you in any other proceeding, or in any other jurisdiction. The only protection you do not receive is if you

swear falsely. If you swear falsely before this committee it is just the same as if you were committing perjury in any court of law, and the fines and penalties of perjury will be meted out to you.

Mr. Goff.—I deem this, Mr. Chairman and gentlemen of the committee, a proper and suitable occasion to call to the attention of the committee the very injurious effects that already have been produced, and which may in all probability be further produced by reports circulated through the public press that witnesses who have testified before this committee may be called upon to verify their charges and to testify before other tribunals, or before other officials. The result, Mr. Chairman, has been so far disastrous, and may be disastrous to us. Two witnesses that we had under subpoena on Saturday have left the State sooner than come before this committee, and I may give the words uttered to the subpoena server, that one of them said that if he went on the stand he would never know when to end; and if witnesses are to be harassed and turned from one court to another, and from one authority to another whenever they testify before this committee, such a course will have the effect of intimidating any witnesses which come before this committee. Witnesses ought to —

Senator O'Connor.—Will you suggest some way in which we can control the papers.

Mr. Goff.—I am not suggesting any way of controlling the newspapers.

Senator O'Connor.—They have given notice that if the witnesses did testify there might be intimidation, and they might be put under trial, and they would have to put the testimony of the officers against them. All such publications and threats have such effect of intimidation; that is the purpose of it.

Mr. Goff.—So far as the newspapers are concerned they are publishing news; that is their profession. I call the attention of the chairman to the effect.

Chairman Lexow.—I understand that it is denied by Mr. Byrnes.

Mr. Nicoll.—So far as the district attorney's office is concerned we have nothing to do with that. He has a right to take notice of any testimony given here, but so far as the police department is concerned, I was interrogated yesterday by the commissioners as to whether or not some notice should not be taken by them of the testimony of one of the witnesses, or two of the witnesses examined before the committee at this last session. I told them that I thought some notice ought to be taken, and that some investigation should be had; but this morning, on conferring with

the superintendent I told him — advised him that it would not be proper to have any examination of witnesses while this committee was in session and going on with this investigation; that he ought to communicate with Mr. Goff in relation to the matter and ascertain from him whether or not any action on his part would in any way interfere with his laborious task of getting evidence for the committee; and that will be the policy of the department. While it is necessary that the heads of the departments should notice matters of that sort any investigation by them, by my advice would be suspended until such time as Mr. Goff, acting as counsel for the committee, says that it will not in any way embarrass him in his labors.

Chairman Lexow.—The proper place to try a case of that kind is here, is it not? These charges are made here; the witnesses are sworn here. Now, if the police department wants to protect itself against matters of that kind they will have an opportunity here of discussing that question and producing witnesses, instead of allowing it to be insinuated that witnesses going on the stand here will be harassed and tried before another tribunal.

Mr. Nicoll.—At the same time the commissioners can not ignore anything transpiring before the committee.

Chairman Lexow.—You understand on the other side if evidence is adduced here that seems to reflect on that department that just as soon as we get that testimony our witnesses are harassed.

Mr. Nicoll.—I said that that will not be done until Mr. Goff said it would not in the slightest way embarrass the testimony of the committee.

Chairman Lexow.—And then through the medium of Mr. Goff.

Mr. Nicoll.—Through Mr. Goff.

Q. Mrs. Thurow, you have heard what the honorable Senator has said to you about the protection of the law for any testimony you may give before this committee? A. I have.

Q. You understand that, don't you? A. I understand.

Q. And the only thing required of you here is to tell the truth and the whole truth; you understand? A. I understand.

Q. What is your occupation? A. Now; dressmaker.

Q. And you have been a dressmaker in the years gone by? A. Yes.

Q. Have you ever seen me, Mrs. Thurow? A. Never.

Q. Until this moment? A. Until when I see you, coming in the court-room.

Q. Where do you reside? A. Sixty-three Fourth street.

Q. In this city? A. In this city.

Q. How long have you resided there? A. Since the first of February.

Q. Of this year? A. Of this year.

Q. Where did you reside before residing in Fourth street? A. In 23 Second avenue.

Q. Twenty-three Second avenue; where did you go to reside at 23 Second avenue? A. I left—when did I go—about 9 years ago.

Q. What sort of a house is that on Second avenue? A. The first five years I kept it a straight house and the last four years it was a house of ill-repute.

Q. Did you rent the whole house? A. I rented the whole house.

Q. So that would be about 1890, four years ago, since the house was— A. About that; I could not say sure.

Q. As near as you can recollect? A. Yes; it must have been six months before or six months after; but to the best of my ability I can remember that the house was used for immoral purposes from about four years ago.

Q. Now, after the house was converted into one for immoral purposes did you have a visit from a police officer? A. I did not have a direct visit; I could not get tenants to occupy the rooms, and I took in women that said they lived with men that were their husbands; and certainly when I was sewing in the daytime; I was then making dresses and sewing with five girls; and in the night they would bring men in; one of the officers told me of it, which one I can not recollect, and says—

Q. One of the officers on the beat? A. On the beat; and says, "there will be trouble" if I did not stop that; I said, "How can I stop it when I am asleep?"

Q. That was in the Fourteenth precinct? A. That was in the Fourteenth precinct; I have never had a house outside of the Fourteenth precinct, only after the raid when Captain Cross raided me, then I was told to take a place down in Broome street; but I will tell about that afterwards.

Q. Fifth street and Second avenue, that is the station-house; now, at the time you speak of when this officer called upon you, what captain was in that precinct? A. McCullough.

By Chairman Lexow:

Q. What time of the year was that? A. I can not tell the date.

Q. What time in 1880? A. I can't tell the date.

Q. About what year? A. About four years ago.

Q. Three or four years ago—about 1890? A. Yes.

By Mr. Goff:

Q. Now, you say one of the officers on the beat called upon you, and what did he say? A. He did not call on me; he met me; I was on the stoop, or around the house somewheres; he said, "There are women in the house there, and they are doing it, and you have got to attend to it;" and I said, "How will I attend to it;" he said, "I will send Bissart."

Q. The wardman? A. Yes; "I will send Bissart around, and you can make arrangements with him;" he came around within a week after; Bissart came around, and I told him, and he seemed to be informed before; and he said —

Q. Pardon me a moment; did you ever meet Bissart before? A. Never seen him before he came there.

Q. And when he came into the house, do you remember what he said? A. Yes, sir.

Q. What did he say? A. He says, "Well, where this house stands you never can put a church, and you can go on in business, and I will see you in a month."

Q. What is that? A. He would see me in a month; let the girls do business for a while, and he will see me in a month; there would never be a church put where this house is, and that settled it; he says, "There never will be a church put where this house is, and you can go on in the business;" he called in a month after that, and asked me if I could afford to pay anything; I said I could not afford to pay much, as many of the rooms were empty, and I gave him \$10.

By Chairman Lexow:

Q. That was Bissard you gave \$10 to? A. Yes, Bissard; and sometimes he called regularly every month, and some times I gave him \$21, \$13 and \$15, and once I gave him \$20, but only once.

Q. And you gave him various sums from \$10 to \$20? A. From \$10 to \$20; I only gave him \$20 once.

Q. Every month; A. Every month; he called every month; the lowest I ever gave him was \$10, and the next month after that \$12, and then I gave \$13, and \$15, and once \$20.

Q. How long did that continue? A. Until the police were all shuffled and transferred, and Captain Dougherty came in the precinct.

By Chairman Lexow:

Q. Do you remember how long that payment was before the shuffle you talk about? A. I could not remember how long.

Q. About how long? A. From the time he came; that was very often; when Bissard came I did not have any rooms occupied for such a purpose, and then I told him "I have not got any money," and he said all right, and you say you can not.

Q. Was it a year or two years? A. It must have been two years; well, I will say I sent him away without money about four times.

Q. During the whole two years? A. During the whole of those two years I sent him away without money four times.

Q. What was the reason you paid on one occasion \$20, on other occasions more than \$10; making up for having months you had not paid him anything? A. At the time I paid him \$20 there were four girls in the house doing business at one time; he says, "About \$5 for every girl you have in the house is what we will charge."

Q. That was the tariff? A. Yes.

By Mr. Goff:

Q. And the tariff rose according to the number of the girls you had in the house? A. I never paid more than \$20.

Q. Five dollars each girl? A. Yes; there was four girls doing business there then.

Q. Was your husband present at any time when you paid this money? A. My husband was never present when I gave Bissart any money.

Q. You gave the money to him in bills? A. In bills, or in silver, or anything; if I gave him bills and silver both, I wrapped the bills around the silver, so there would be no click; he cautioned me that way, and I have known Bissart to come down in the basement when the girls were at the table taking their dinner; and I went in the hall, and the door was opened, and he says, "You have not got silver;" and I says, "No;" and then he took the money; otherwise he would have turned back, I suppose, and not taken it.

By Chairman Lexow:

Q. He did not want the click to be heard? A. He did not want the girls to hear the click.

By Mr. Goff:

Q. He preferred the bills? A. He did not say he preferred them; I hadn't anything else to give them; he took what I had.

Q. He preferred the bills, rather to the silver; is that the fact, that he said he did not want the click to be heard? A. He did

not want the click; he said, "You have not got silver;" and he informed me before to pay him in bills if the girls were around, as he almost always came down in the back basement where we were taking our meals; and he said, "Don't let them hear the click."

Q. After Captain McCullough left that precinct and Captain Dougherty went there, did a new wardman call upon you? A. The new wardman came around sometimes when I was in front of the door and talked to me, and asked me if there was any business being done in the house, and I said no, there was no business doing in the house, because I had an idea I had to pay money right down, and I could not afford it; I hadn't money I could afford to pay the initiation fee, which I had heard other people had to pay; and I said, "I am not doing any business, and when I am doing any business I will let you know."

Q. You had heard from other people in the same line of business that an initiation fee had to be paid, because there was a new captain came into the district? A. Yes; but he never asked me for an initiation fee.

Q. So you told the wardman you had no money to put down for initiation? A. I said, "I am not doing any business, and haven't any money, and will see you after some time;" it was about six months I did not see him; he came in one day and said, "I am going to raid the house;" I said, "You must raid it, then; I can not help it;" and he raided the house before I had paid one penny.

Q. Do you remember when that raid was? A. That raid was on the 25th of October.

Q. Do you remember the year? A. Well, the first year—

Q. 1892 wasn't it? A. It was 1892; it was when Dougherty was there the first year.

Q. How many girls were arrested that raid; do you remember? A. I think there were seven girls and myself.

Q. And yourself? A. But the girls were not all girls that were in the business; as I said I had some people living there that said they were actors, and so on, and I never tried to find out whether they were or not, but they were arrested with the rest of us.

Q. And all taken down to the station-house? A. Yes.

Q. And were you bailed out that night? A. I was bailed out.

Q. Who bailed you out? A. The saloon keeper next door.

Q. Were the girls bailed out? A. No; the girls, I don't think—no; the girls were not bailed out at that time, I think.

Q. Will Captain Cross produce the biotTERS of October, 1892, if you please; while they are getting the books, do you remember—

the name of the detective that came to you when Captain Dougherty went into the precinct? A. Barney Neeham.

Q. Now, you were brought before the police court, were you? A. Yes, sir.

Q. That is at Essex Market? A. At Essex Market.

Q. And were you fined at Essex Market? A. I was put under bonds.

Q. What was done with the girls? A. The girls, I think, were discharged—no; the girls each paid \$10.

Q. Ten dollars fine? A. Yes.

Q. And what officer testified against you at Essex Market? A. It was Meehan.

Q. And was there an officer there by the name of Myers? A. Maney Meyers.

Q. And they were the ones that testified you kept a disorderly house? A. What they testified I did not hear.

Q. They appeared before a judge? A. They appeared before a judge against me.

Q. And after their testimony your girls were fined \$10 each? A. Ten dollars each.

Q. And you were put under bond? A. Five hundred dollars bonds.

Q. Five hundred dollar bond? A. No; \$300 bond.

Q. To answer at Special Sessions? A. Yes.

Q. At Special Sessions were you brought to trial afterwards, before the three judges down at the Tombs police court? A. Before three judges.

By Chairman Lexow:

Q. Were you brought to trial? A. Barney Meehan said it was best for me to plead guilty, and make a long story short.

Q. You appeared before the three judges? A. Yes; I hadn't a word to say; the lawyer plead guilty.

Q. The lawyer you employed? A. The lawyer says, she pleads guilty.

Q. What lawyer did you have? A. Mr. Osborne.

Q. Did you employ him yourself? A. Yes.

Q. Did anyone tell you to employ him? A. He was there in court.

Q. In the Essex Market court? A. In the Essex Market, and he came up to me, and asked me if I had engaged counsel, and I told him no, and he said he would take the case.

Q. How much were you fined at Special Session? A. Twenty-five dollars.

Q. After you were fined at Special Sessions you returned to your house in Second avenue; did you open up again? A. Yes.

Q. How soon after? A. Well, coming out of the Special Session me and my husband went out first, and we were standing at the bottom of the stairway, and Barney Meehan came down stairs, and I said, well, I have to stop business now and remove from the neighborhood without doing business; he said, "Go and see the old man;" I said, "I am not acquainted with the captain;" I said, "Can't you fix it for me?" he said, "No; you go and speak to him;" I went to the captain and spoke to him.

Q. At the station-house? A. Yes.

Q. What captain? A. Captain Dougherty; and I went there twice and could not see him, and I asked the sergeant at the desk whether the captain was in, and he said no, the captain is too busy with the election; you will have to come to-night; I said I must see him on business, and I went there again and found the captain in, and spoke to him and told him I was willing to do the right thing, and had not much money, and could not pay any big sum, and he said I will send the wardman around and you do as he tells you.

Q. Yes; did you go to your house? A. I went back to my house; it was shortly before election; Mr. Meehan came around there.

Q. Now just let me bring you back to Special Sessions; do you remember Meehan's saying anything to you at Special Sessions about your getting off lightly? A. Barney Meehan?

Q. Yes? A. No; he did not say that; but the lawyer told me that.

Q. It was the lawyer told you you got off lightly? A. Yes.

Q. Go back again to where Barney Meehan visited you after you had seen the captain? A. The election procession was passing, and Barney Meehan came along the sidewalk, and I said, have you any message from the captain to me; he says, "Yes; you wait until after election, and after election is over you start right in and do business; that was only a few days before election then."

Q. Let me see; when you called to the captain's station house, did he invite you into his private room? A. The first two times he was not there, I only see the sergeant.

Q. When you saw him the third time? A. The second time he opened the door, and said, come right in.

Q. That was in his private room? A. That was into his private room.

Q. Did you say to him then you would like to do business with him, as you have done before? A. Yes, sir; I said I had not much money to pay down, but I will do the right thing, according to the business I done; I gave him to understand I hadn't any money to pay right down; he did not answer as to that, and he said he would send his wardman.

Q. Did you mention to him the name of the wardman you had done business with before? A. I did.

Q. That is Bissart? A. Bissart.

Q. You told him you had done business with Bissart before?
A. Yes, sir.

By Chairman Lexow:

Q. Did he answer anything to that? A. I told him I did business with Bissart and got on very nice; he said I have no doubt you will get on with Meehan; he is a nice fellow.

Q. I have no doubt you will get on with Meehan, he is a nice fellow? A. Yes, sir.

Q. Did you say what percentage, or what per capita you paid, how much you paid, by the head, for the women you had there? A. No; I did not say anything of that kind to him; I do not remember telling the captain anything about that, because I thought I would see what he was going to charge me; I did not mention any amount; I did not say I would give him once \$20 and once \$12.

Q. Did you say anything about having given so much per woman? A. No; I did not say anything of that kind to the captain.

By Mr. Goff:

Q. Now, we come to the point where Barney Meehan called upon you? A. Yes.

Q. When this political procession was passing? A. After election day he came around; he came right into the hall, and he says, "Now we will come to terms;" he said it right in the hall of the house.

Q. He said, "Now we will come to terms?" A. Yes; he said you give me \$25 a month and there will be no trouble either for me or for you, something to that effect; he made it very light and friendly, and, as I had a little money with me, I gave him the money.

Q. You gave him the \$25 then? A. I gave him the \$25, and I had no more trouble, not as long as Barney Meehan was there.

By Chairman Lexow:

Q. Did you give \$25 every month? A. Well, Barney Meehan was not there very long.

Q. How long was he there? A. I gave him \$25 in November, and gave him \$25 in December, and the 6th of January he was transferred.

Q. He was transferred? A. Yes; I only gave Barney Meehan \$25 two months, twice.

Q. Did he tell you first he would call about the tenth of every month? A. He said about the tenth of every month; he used to come around that neighborhood the fifth of every month, he told me; I said I won't be ready the first of every month, as the first is rent day, but will be ready about the tenth; I only get money as I make it; and then he called on me every tenth.

Q. After Meehan was transferred the 6th of January, were you visited by another man? A. I was down in the basement about 7 o'clock, and there was a man came in the hall, and one of the girls called down, "Mrs. Thurow, are you there?" she says, "There is a man wants to see you;" I says, "Let the man come down stairs;" so there was a big, tall man came—he had a light—I don't know whether he was very blonde, or whether he had gray hair, I couldn't tell that; he opened a little paper, and he says, "You are Mrs. Thurow," and I said, "Yes."

Q. Opened a little paper? A. A little package of papers, folded over like this (indicating), and he went over them like that (indicating).

Q. Went over the leaves? A. Yes; and he says, "You are Mrs. Thurow?" and I says, "Yes;" "23 Second avenue?" I says, "Yes." "You come down to the captain's, he wants to see you;" I don't know what was the matter; I sent out after the husband and found him, and said the captain sent for me; I wonder if there is any trouble; I was not living in the house, but lived in the flat in Twenty-third street; and took \$25 with me, and when I got to the stationhouse there was several other ladies waiting and two gentlemen waiting; the gentlemen went in first, and I—

Q. Let me ask—stop right here; did you know any of those ladies? A. I didn't know only one.

Q. Was she a keeper of a house similar to yours? A. She was living at 18 First street, and the landlady of that place was very ill, and she took the place of housekeeper during the time that the landlady was sick.

Q. But she kept a house? A. She was doing the landlady's work, while the landlady was ill.

Q. She represented the same kind of house? A. I thought she was there for the same purpose, I was told.

By Senator Bradley:

Q. Did she keep the same kind of house as yourself? A. Yes, certainly.

By Mr. Goff:

Q. Did you know any of the men you saw there? A. I did not know anybody.

Q. Will you go on and state — when you went there you saw a number of ladies and two men? A. The two men went in to see the captain first; I took a seat near the door, and got in right after the men, and I says, "Captain, did you send for me?" he said, "Yes."

Q. Was there anybody in the room with you? A. The captain was all alone.

By Senator Bradley:

Q. Captain who? A. Captain Docharty; the captain told me he had orders from the central office to close all the houses in the precinct, and for me to keep on doing business very carefully, and not let any lady friends in, and not take money myself, and if I took money, I might get in trouble, and they might raid me from the central office; I said, "I supposed you wanted money;" "I am not supposed to take money," he said, "but you can give the money;" he put out his hand and took out an envelope, and said, "put down the word Hoch;" I promptly took my pencil, and put down "Hoch," and put the money in it, and the captain put it back in the pigeon hole, with the twenty-five dollars I gave him.

By Chairman Lexow:

Q. How many of these little slips did this wardman have, when he came around to see you? A. I don't know; there was quite a number.

Q. How many would you say to your best estimate? A. It was in the hall, and there was no light in the hall of the basement; the papers were something like you would see the papers put together, small papers like in a butcher store, like the bills.

Q. Like a file of bills? A. They weren't any larger than half of this (indicating the cover of an ordinary court Bible).

Q. About square? A. Yes; and they seemed to be fastened at one end, and they looked like this, and opened them, and said, "You are Mrs. Thurow, 23 Second avenue;" I said "Yes."

Q. Did he appear to be looking over names when he took each one of these slips out? A. He did not seem to try to read the names like that; he did not appear to read those slips, he said, "You are Mrs. Thurow, 23 Second avenue;" I don't think he had much of a chance to read it; he could not have read anything.

Q. Did anyone of those slips appear to contain the names of persons? A. I did not see them.

By Mr. Goff:

Q. Did the captain tell you at this interview he had with you, that you have told the Senators of, that if you took money, or kept open, that some central office man might be around? A. He says, "I have orders from the central office to close every house in the precinct; now, if you take money, they might send some one from the central office, and if you took money, they would have you, and they might raid you from the central office."

Q. Did you know who John Hoch was, whose name he put on the envelope? A. I did not know at the time; I heard of John Hoch as being the policeman in the Bowery; I did not know he was a wardman; the next morning it was in the paper that John Hoch was the wardman.

Q. Was he wardman there in place of Barney Meehan? A. Yes; he was made wardman in place of Barney Meehan.

Q. Now, after you left the captain's office—and by the way, did he seal this envelope? A. No; he did not close it; he left the envelope open, and put it in the pigeon hole.

Q. Did he write the name of John Hoch, or you write the name? A. I wrote the name.

Q. Did he tell you what to write? A. He says, "Put down Hoch."

Q. Did he tell you his Christain name? A. No; he said only, put down Hoch; I spelled it in German, H-o-o-h.

Q. Did he hand you a pencil? A. Out of his vest pocket.

Q. And did you place the envelope upon the desk before him while you wrote? A. Put it right in front of him.

Q. Were the bills in the envelope when you wrote the name on it, or did you write the name on before the police went in? A. I put the name on first, and then put the bills in; the bills were lying on the desk, while I was writing the name.

Q. Then you took up the bills and put them in the envelope? A. Yes; I don't know whether I handed it to him in his hand, or put it on the desk; anyhow, he took the envelope and put it in one of the pigeon holes.

Q. Did he say anything further to you? A. He only told me to be careful and not take any money from anybody that comes in, or else they would have me from the central office.

By Chairman Lexow:

Q. Were there any other envelopes in the same pigeon hole? A. There was a lot of empty envelopes, but I did not see any with money in them; I did not see any that looked as if they had anything inside of them; I did not see anything; but he put it back from where he got it.

By Senator Bradley:

Q. Was it a printed envelope? A. No; it was a plain envelope.

By Mr. Goff:

Q. You returned to your home and kept quiet, as the captain told you? A. Until he was on trial before the commissioners, a day or two afterwards, I do not know how soon; and I watched the papers, and I read in the papers the trial was over, and I opened my house again, and went on as usual, and nobody interfered with me.

Q. From the time you saw the captain in the station-house, until you opened your house again, were you visited by any officer or messenger? A. I was visited by nobody.

Q. No one visited you, but when you saw his trial was over, you opened up? A. I opened up.

Q. After you opened up, were you visited by any one? A. I was not well one day, and I went over to the flat and stayed there all day.

Q. Over where? A. Over to my flat, and stayed there all day, because I was not feeling well; and when I went over, it must have been half-past 11 or 12—it might have been even after 12—the girl said to me: "Say, there was a big stout man in here, and I think he was from the station-house," and I commenced to think, and there it was about the date that I had said that I would see the wardman every time; then—

Q. That is about the 10th of the month? A. Yes; and then there was one girl that knew Mr. Hoch personally, and she called me in the corner, and she says, "Mrs. Thurow, you need not worry; it is Mr. Hoch; I suppose he wanted to see you," she says; when I went over, I says to my husband, when we were in the home, I says, "There was somebody there from the station-house; I guess the best thing for me to do is to go down and see who it was, because Hoch, the one that this girl described, is the wardman now; but I guess I will settle it and go down;" I went down the next evening then and asked for the captain, and went into his room, and I said, "Captain, did you send Mr. Hoch?" He said, "I could not send anybody else;" I says, "Then he wanted money," and while saying that I opened my pocketbook and laid down the \$25; he handed me an envelope again; this time I can not really say whether he put down the name Hoch, or I did not put down the name of Hoch at all; I am not sure of it; I am sure he handed me an envelope, and I put in the money, and he put it back the same as the month before in the pigeon hole; I am not sure that I wrote down the name Hoch, as I don't remember him giving me a pencil.

Q. When you visited him this time, did you say to him you had brought the money with you? A. I said to the captain, "Did you send Mr. Hoch?" And he said, "I can not send anybody else," and I said, "I have got my money with me," and then he put down the envelope.

Q. Now, do you remember what month that was in? A. Well, I went to the station-house the sixth of January; that was a month afterwards; that was in January.

Q. That was in February, 1893? A. Yes.

Q. After that you continued to do business? A. To do business right straight along.

Q. And were you visited the next month by any one? A. I was not visited; Mr. Hoch sent in a little boy for Mrs. Thurow to come out, or the landlady of the house, and he was standing in a dark place there by John Luhr's grocery store; then I passed, and while passing, I handed him the money, and went home again.

Q. Did any words pass between you? A. He says, "How much is that?" I says, "\$25 for the captain and \$5 for you."

Q. Twenty-five dollars for the captain and \$5 for you? A. Yes.

Q. So you handed him \$30? A. Thirty dollars.

Q. Were the bills all together? A. They were bills.

Q. All rolled up in one pile? A. They were rolled up.

Q. Did he say anything when you told him? A. He said nothing; he went right away.

Q. You continued to do business? A. I continued to do business; yes, sir.

Q. Now, did Hoch visit your house after? A. He never was in my house after that; only once, on one occasion, and I will tell that later on, when I had some trouble.

Q. Did Hoch tell you anything about the captain refusing to stand for your joint? A. He would not stand for the notoriety of that joint for the price I was paying, and after that he said he would pull the ranch, and so on; and then I said I would give him \$10 for himself next month, and I gave him \$10 dollars for himself once, and I could not afford to be paying like that; I gave him \$10 after that for himself, and the next time I paid him I gave him the roll of money, and I said, "Five dollars," and he said, "Didn't you promise to give me \$10;" and I said, "I can not afford to pay as much as other people around here; look what they are doing in First street; I had a quiet business; there is nobody there gets robbed in my house, and nobody ever gets treated bad, and for that reason I can not pay as much as other people;" he did not answer on that, and went away, and the next

day he passed the house, and the girls were soliciting from the stoop, and he said to the girls, "I want you to tell the landlady I must see her; now, the captain says you have got to close that house right straight up; he is not going to stand for his house any longer;" I then thought to myself, because I am not doing as they do in First street, I am not doing that sort of business that is happening in First street, and I thought that must have got the captain very angry that I mentioned such a thing, and I went to Roesch.

Q. Before you come to that point, did Hoch say how much it was worth to protect such a house? A. "And a ranch like that is worth \$60 to \$75 a month, and here you are only paying \$25, and give me only \$5;" he said, "And you promised me \$10, and only giving me \$5;" I said, "Hoch, I can not afford it."

Q. What did he say when you said you could not afford it? A. He says, "You have got the house, and why don't you make money? it is your own fault, and that house is situated in the right spot, and you can do all the business you want and we won't interfere with you, but you must do better than this."

Q. Did he make any threats then to pull you, if you did not pay a higher rate? A. He said, certainly, if I could not do better than that, he would raid the house.

Q. After he said he would raid the house, you went in and talked with your husband? A. I went in and told my husband; I sent out for my husband, and says to him, "See here, Hoch says we positively —

Mr. Nicoll.—Shall we take the conversation of the husband?

Mr. Goff.—I think we had better take this narrative.

Chairman Lexow.—Subject to a motion to strike out.

The Witness.—I sent to my husband and said, "Now, you go up and see Roesch to the club-room.

Q. Who is Roesch? A. Well, the judge in the Fourth District Court; he was not judge then, he was Senator then.

Q. And he is judge in the Fourth District now? A. Yes, sir; he has been elected since.

Q. Do you know — did he occupy any other position but being a Senator? A. No; not that I know of; my husband got acquainted with him in the club-room; my husband belonged to the club.

Mr. Nicoll.—Will your honors permit this; a judge of this city and a former Senator to be attacked by hearsay evidence?

Mr. Goff.—It will not be hearsay at all. We have a right to know if this witness sent anyone to have an interview with Mr. Roesch.

Chairman Lexow.—That is all right, if it is limited to that. There is no objection to that, Mr. Nicoll, that we can see.

Mr. Nicoll.—I think any conversation she had with her husband is immaterial.

Chairman Lexow.—It may be so. I do not say that it is.

By Mr. Goff:

Q. Did you know of Mr. Roesch being a political leader in that district?

Senator Cantor.—How is that material? He was a Senator of the district.

Mr. Goff.—He was not a Senator of the district. He was a Senator.

The Witness.—He was a leader of the Seventh Assembly district at the time.

Mr. Goff.—The mere fact that a man holds the mere position of a Senator is no warrant for a woman of this kind to send a person to fix it. I want her to testify when she sent to him; to give the fact.

Senator Cantor.—She says he was a Senator.

Senator O'Connor.—She says he was a leader.

The Witness.—He belonged to the same club with my husband.

By Mr. Goff:

Q. What club was that? A. The—I don't know what they called it; it was a political club for Tammany Hall; my husband has the —

Q. What is the name of that club; the Oriental (speaking to Mr. Thurow).

Mrs. Thurow.—He does not understand English enough.

Mr. Goff.—We will get the name of the club.

The Witness.—It is the Tammany club, 94 Second avenue.

Q. You knew that your husband belonged to the club of which Senator Roesch was a member? A. He was the leader of the district there.

Q. Did you give your husband any instructions to go and see Senator Roesch? A. I told him to see Senator Roesch and tell him what Hoch had told me, and ask him if he could do anything for us, because I could not afford to close up the house, and I did not think it would be fair for him to close me up and let all the other ones run, and Senator Roesch says to my husband —

By Chairman Lexow:

Q. Don't say anything about that; we don't want, Mrs. Thurow, anything that your husband said as to what Senator Roesch said, unless you were present. A. Well, Senator Roesch said for me to come down to his office.

Q. We will come to that in a moment; after you sent your husband—I want to state that I will be careful and scrupulous that no man's name be dragged into this unwarrantably; when it comes in the narrative, I will try to observe the strict rules of evidence; if we take it in relation that her husband was acting as her agent, it would become admissible in a court of law under strict rules of evidence here; after your husband left you, did he return —? A. To the house?

Q. After he left you to go to this club? A. Yes.

Q. He returned to your house? A. Yes.

Q. You had a conversation with him there? A. Yes.

Q. I do not want you to state what that conversation was, but I want you to tell the Senators, after you had the conversation with your husband, and in pursuance of that conversation, did you go to any place? A. I went down to Roesch's office, Chambers street, Stewart building.

Q. And was it from directions that your husband gave you that you went to Mr. Roesch's office in Chambers street? A. I went down there with my husband; he told me Roesch wanted to see me there.

Q. Was that the next day; how soon after, as near as you can remember? A. I went the next day and waited in Roesch's office all the morning, until 6, and he did not call.

Q. Mr. Roesch's office is in the Stewart building? A. Stewart building, on Broadway and Chambers street.

Q. You say you went around with your husband and waited in Mr. Roesch's office A. He did not come that day; we went the next day and waited again, and we waited again; and I then wrote him a letter telling him I had been there two days, and waiting for him, and did not want to go down and stay there again, unless he would see me; I wrote that during the day, and sent my husband in the club room in the evening to get the answer on what he had to say on that letter; he says, "You be down there with your wife to-morrow, and I will surely see her."

Q. That was the message your husband brought back to you? A. Yes, after my writing the letter; I sent him there to see whether Mr. Roesch would see me; I went down there the next day and Roesch was there; it was Saturday.

Q. Was your husband with you? A. My husband was with me; and I told Roesch; he said, "I will fix that."

Q. Just tell the Senators what you said to Mr. Roesch? A. I told Roesch I never could give Hoch money enough; he says, "What did you give Hoch;" I gave him \$25 for the captain, and gave him \$5, and he wanted \$10 for himself, and he does not seem to be satisfied now; and I told Roesch I was doing a

quiet business, and there was nothing ever happens in my house, and I can not pay as much as Hoch is asking for; but I did not mention the amount that Hoch did ask for, only I told him I did not give Hoch enough to satisfy him; so Mr. Roesch said, I will go and see somebody and fix that thing up for you; it will cost you \$100 or \$150; I said, well, then fix it up as soon as you can, and me and my husband went home; and on the way I said, "That is an awful tony price for me to raise, \$150; I will go and get \$100, and you give \$100, and tell him in a couple of weeks you will let him have the \$50;" so I got the money and had it home in the house with me; my husband was not there in time to go to the club, when there was a man came in and says, "Is Ernst Thurow here?"

Q. A man came into your house? A. Into my house; I don't know where the girls were; I found him on the ground floor in the back room, asking for Ernst Thurow — that is my husband's name — I went in and said, "I suppose Mr. Roesch sent you;" "Yes," he said, "Mr. Roesch wants Mr. Thurow to come up to the club room; he wants to see him."

Q. Did you inquire his name? A. I did not.

Q. Did you ever afterward find out his name? A. I found out after my husband came back from the club room, I found out who he was.

Q. Go on? A. Then I called my husband, and I says to my husband right in front of the man and two girls that had run into the room to see what was the matter, I said, I suppose Roesch is after the money, are you ready to go to the club house, and he said, "Yes," and I went outside, and got the money, and came back into the room, and handed the \$100 to my husband, and this man seen it, and the two girls.

Q. What was this man's name? A. When my husband got back, I asked him who is that man that came after you; he says, it is Secretary John Faye; that is what my husband told me.

Q. Secretary of the club? A. Of the club — John Faye.

Q. Now, when you said that you would send up the hundred dollars to Mr. Roesch to the club room, where had you the money? A. I had the money — where did I get it from in the evening?

Q. No; where was it; was it in a trunk? A. It was on my person.

Q. In bills? A. In bills, where I had it put, I could not take it out in front of the man, and I went out in the hall and got the money from where I had it.

Q. That is, you did not like to take it from where you had the money in the presence of Mr. Faye? A. Yes; and so I went out

in the hall, and got it there, and went back and gave it to my husband in front of this man and two girls.

Q. Had you this hundred dollars in one roll? A. In one roll.

Q. Had you that prepared to send up to the club house? A. I had that prepared, and had it with me.

Q. Had it with you to send up to the clubhouse? A. Yes.

Q. Did your husband go with the amount? A. My husband went away with the amount, and when he came back he told me he gave the money —

Mr. Nicoll.—I object to that

The chairman.—That is excluded.

Mr. Goff.—I think it would be perfectly competent, but under the circumstances, I will not press it.

Chairman Lexow.—I do not think that would be fair. You can prove it by the parties who made the transfer.

Q. Well, now, after this transaction that you speak of, did you continue to do business? A. Yes, after the money was paid, we did business right away the same night; yes.

Q. Continued and opened up business the same night? A. Yes, sir.

By Chairman Lexow:

Q. Were you interfered with? A. Not after that; for a while.

Q. How long? A. It was only a very short time; I think the first time when Hoch came, after that, I gave him \$25 and nothing for himself.

Q. That is after you paid — A. After I gave the —

Q. Take your time? A. I gave my husband the \$100 to take away; Hoch came after that.

Q. Was it a month afterwards? A. No; it was not a month; it was not more than a week, or something like that; and Hoch came, and I gave him money; only gave him \$25, and gave him nothing for himself, and he didn't ask, either; he did not ask how much it was, as he usually did, but just took the money and went; that was about the time the captain went to Europe.

By Mr. Goff:

Q. Captain Docharty? A. Captain Docharty went to Europe; I think it was a few days before Captain Docharty went to Europe, and he came around and said, "Now, as the captain is going to Europe, and the acting captain won't stand for this notoriety here, he will pull the house;" I says, "All right, if you pull the house you will pull it, that settles it;" I was so used to hearing him coming and saying he would pull the house, at last I did not mind it anymore when he said it, and we kept on business anyhow, and one day I was lying on the sofa in the back-room

when Sergeant Clark came steering in the room, and holding himself on the door like that, and used the roughest language.

Q. State what language he used? A. I could not say it.

Q. Is it because the language is so bad that you can not say it? A. Well, he—

Q. We would like to have his words, Mrs. Thurow, and you will please give them to us, as nearly as you can recollect? A. He could not stand; he had to hold himself.

Q. Was he drunk? A. Yes; and he says, "I want you to keep those bitches off the stoop or else I will pull the house; I am the captain of the precinct now, and won't stand to it;" and he kept on scolding; and then they arrested two girls off the stoop, and I had to take them out.

By Chairman Lexow:

Q. Had to bail them out? A. I had to bail them out.

By Mr. Goff:

Q. Can you give us the date of the arrest? A. It ought to be down in the station-house, when I took the two girls out; it was of a Friday night, and on Saturday the girls were arrested.

Q. Can you tell us the month? A. It was when the captain had newly gone to Europe.

Q. Was it in the summer? A. It was in the summer; yes.

Q. Could you state about the month, as near as you can recollect; was it July? A. I don't know.

Q. Or August; well, it was warm weather, anyway? A. It was very warm weather.

Q. Well, now, when you went to the station-house this Friday night? A. I did not go Friday night; the girls were arrested Saturday; it was Friday night Hoch was standing in the back door of the parlor.

Q. Were the girls arrested Friday night? A. Saturday night; it was too late to arrest any girls then; it was nearly 12 o'clock.

Q. Was this just before or after Captain Docharty sailed for Europe, do you know? A. Captain Docharty was away, and Sergeant Clark was the acting captain.

Mr. Goff.—Captain Cross, could you direct us as to the time Captain Docharty was in Europe?

Captain Cross.—I can not.

Mr. Goff.—Are any of your officers here?

Captain Cross.—I think not. I don't know what time he left.

Mr. Goff.—Do you know the year, captain?

Captain Cross.—No; I do not know.

By Mr. Goff.

Q. That was 1893; a year ago, wasn't it; that was last summer?

A. Yes.

Mr. Goff.—Now, captain, will you please give us your blotters for the month of July and August, 1893.

Captain Cross.—All right, sir.

Q. Let me ask you, Mrs. Thurow, do you remember if, when you were first arrested in 1892, the first time, did you give another name? **A.** Yes, sir; I gave the name of Mary Malter, because I did not want my name in the papers.

Q. Is that the name that you gave, Mrs. Thurow (showing witness police blotter)? **A.** That is Heller there, but I always said Helter.

Q. That stands for you any way? **A.** I only used that name when I was raided.

Q. The time down here is 50 minutes past 10 o'clock at night; that is nearly eleven; is that right; do you remember that—the first day? **A.** Yes, sir.

Mr. Nicoll.—Did it correspond with the number of the house?

Mr. Goff.—No, it is a mistake, 31 Second avenue. But there is one number below it, that shows there was a mistake in putting down the number.

Q. Who went bail—Solomon Harcowitz? **A.** Went bail?

Q. Yes. **A.** No; the saloonman, next to the station-house; I don't know what his name is; not Harcowitz.

Mr. Goff.—Oh, yes. Not Harcowitz; that is the complainant; that is the whole entry. (Showing book to the committee.)

By Chairman Lexow:

Q. Were these girls in your house, Mary Schlessinger, Minnie Harbro? **A.** Minnie Harbro?

Q. Rosie Woods? **A.** Yes.

Q. Hattie Hogan? **A.** Yes.

Q. Nellie Sanders? **A.** Yes.

Chairman Lexow.—Read it off to the stenographer. Let him take the record as it stands.

Mr. Goff.—“Tuesday, October 25, 1892”—**Mr. Moss,** will you oblige me with this, just read that record.

Mr. Moss.—“10:50, Mary Heller, aged 43; color, w.; nation, German. Housekeeper, married, reads and writes, yes; 31 Second avenue, keeping disorderly house. Lillie Saunders, aged 23, white, German, housekeeper, married, read and write, yes; 23 Second avenue, disorderly person. Mary Schlessinger, aged 35, color, white; German; calling, none; married; read and write, yes, 23 Second avenue; disorderly person. Minnie Heelwitch, aged 27, white, German; calling, none; single; read and write, yes; 23 Second avenue; disorderly person. Rosa West, aged 27; white; German; calling, none; single; read and write, yes; 23 Second avenue; disorderly person. Hattie Hogan, aged 29; white; Australian; calling, none; single; read and write, yes; 23 Second

avenue; disorderly person; arrested on a warrant issued by Justice Duffy, Third District police court, October 25, 1892, charged with keeping a house of assignation, at No. 23 Second avenue," having name of complainant in each case, "Koloman Halkovics, 26 Avenue A; Officers Meehan and Meyer." Entry opposite Mary Heller is "Fined \$25, S. S. Smith, November 2, 1892, \$300, to answer, Duffy, bail \$500, Joseph Espenscheid, 77 First avenue, surety." Entry opposite each of the other names, "Fined \$10, sent to Thirteenth precinct, except Katie Hoban." The entry is, "\$5 fine."

By Mr. Goff.

Q. That was the elder McCullough? A. Yes.

Q. As a matter of justice, Mr. Chairman, to everyone concerned, whose name may be mentioned in this investigation, I would like to ask Mrs. Thurow now, if the Captain McCullough that she referred to in her testimony is the elder Captain McCullough; we have two Captain McCulloughs; was it the old Captain McCullough? A. It was the Captain McCullough that the wardman was with; I never see Captain McCullough myself.

Q. You have heard that Captain McCullough is dead? A. I heard that the captain was dead that used to be at Fifth street in Bissart's time.

Senator Cantor.—I suppose the police record will show which Captain McCullough it was any way.

Mr. Goff.—Yes; but I thought it best to have it appear on the record.

Q. In regard to that appearing on the record on the police blotter; it appears your name is at 31 Second avenue, and the names of your girls, Lillie Sanders, and Mary Schlessinger and Minnie Helwich, and Rosa West, and Hattie Hoban, were given at 23 Second avenue; will you please tell how 31 Second avenue comes to be placed opposite your name? A. I lived at 31 Second avenue at the time I was raided.

Q. And the house you kept was at 23? A. At 23 Second avenue; and in December, I moved to 21 First street.

Q. Now, we have come to the point of the occasion when you went to the station-house on Saturday night; two of your girls were arrested; now, who did you see at the station-house? A. Sergeant Clark was at the desk.

Q. Were the girls that were arrested then two of the ones that had been arrested before on the first raid in 1892? A. Sergeant Clark was not at the desk; there was another sergeant; I do not remember his name.

Q. Do you remember the name of the girls? A. I do not remember that.

Q. Those two girls? A. No.

Q. Did you go into the station-house with them, when they were arrested? A. Oh, no; they were arrested, and then one of the officers that arrested the girls came back and said to me the girls say to me that you should come down and take them out on bond.

Q. It will appear from the—so as to get the names correct from the police blotter that day, Saturday, August 12th, 1892, Sergeant George C. Liebers was on duty; do you remember the names of the girls? A. I don't remember.

Q. If I read them from the police blotter would you recognize them? A. Maybe I would.

Q. There is one here, Rachael Marks, 23 Second avenue; do you remember that name? A. Yes, sir.

Q. There is another, Lottie Raynor? A. Lottie Raynors; yes, I can remember those two.

Q. Those were the names the girls gave at the station-house? A. Yes, sir; I can remember those two.

Q. And do you remember the name of the officer that made the arrest? A. I don't remember.

Q. Do you remember—I read this entry from the blotter, gentlemen; “Saturday, August 12th, 1893; 11:15 p. m., Rachael Marks, aged 21; color, W., (stands for white, I presume); nation, Russia; calling, none; single; read and write; residence, 23 Second avenue; dis. con.”—captain, will you come here, please; does that stand for disorderly conduct?

Captain Cross.—Disorderly conduct.

Mr. Goff.—“Name; complainant; patrolman, Henry Lang; disposition, fined \$2; police justice, Ryan; remarks, bailed \$300, Augusta Thurow, 23 Second avenue, surety;” second entry, “11:15 p. m., Lottie Raynor, aged 19; color, white; nation, U. S.; calling, none; single; reads and writes; residence, 23 Second avenue; complaint, disorderly conduct; complainant, Patrolman Henry Lang; disposition, fined \$2; police justice, Ryan;” charge applicable to both, “Charged with soliciting men from the street, 23 Second avenue, for an immoral purpose;” same thing, “bailed \$300, Augusta Thurow, 23 Second avenue, surety.”

Q. Now, when you went into the station-house on that night, you saw this sergeant, whose name we have read, Sergeant Liebers, at the desk? A. Yes; and Sergeant Clark was in his private room in the captain's room.

Q. The acting captain? A. The acting captain, and I went in and said to him, “Sergeant, will you accept my bail?”

Q. To which sergeant did you say this? A. To the one at the desk.

Q. Sergeant Liebers? A. Yes; and I says, "Will you accept my bonds," and Sergeant Clark, I told him, Sergeant Clark threatened that he would take all privileges away from me that I had at the station-house, and would not allow me to take out girls on bonds any more; and Sergeant Liebers said, "Don't mind; you are long enough in the business not to mind what he is saying;" he says, "Don't mind what he is say ing; you are long enough in the business to not mind what he is saying; I will make out the papers, and you take them out on bond;" I says, "I haven't got the money with me;" he says, "That is nothing; you send the money down;" every time I took the girls out on bond I had to give the sergeant \$5 every girl.

Q. Before we come to that, Mrs. Thurow, was there anything said when you offered to go bond for the girls, was there anything said about real estate security? A. Well, Sergeant Clark said that to me; he came out and screamed at me, and said, "What have you to give for surety, have you real estate?" and I said, "No; I have not got real estate, but I went bonds for the girls before, and they did not ask for real estate, and I am sure the girls will appear in Essex Street, and that is all they want, as long as they get there;" I tried to reason with him, but he was scolding away and telling me he would take the privileges away and would not have bonds, but still Liebers was making out the papers.

Q. Did Sergeant Clark say to you that you could not go bonds unless you had real estate security to offer? A. No; he only stood a little ways from the door, and he says, "You want to go surety?" he says, "What surety have you to offer? You have not got real estate;" I says, "No; I haven't got real estate;" he says, "What is your house worth? About \$200 the whole furniture that is in it," he says; then afterwards he went back in his room, and the papers were made out, and I paid —

Q. Let us wait a moment; before you signed the papers, were you leaving the station-house, when some one followed you and said something to you? Wasn't there a doorman there that spoke to you? A. That was on another occasion; at this time there was nobody followed me; the papers were made out promptly, and I paid for them, and the girls went home.

Q. Now, we will keep to this occasion; when the papers were made out, you signed the bonds? A. I signed the bonds, Augusta Thurow.

Q. And you say you paid money? A. Ten dollars for the two, five for each.

Q. Five for each bond? A. Yes.

Mr. Goff.—You have followed that, Senators, that the witness says that she paid \$5 for each bond.

Senator O'Connor.— Yes.

Q. To whom did you pay the \$5 for each bond? A. When the papers were put before me to sign I went behind the desk, and the sergeant got up, and I sat in his chair, and he got the bond ready for me, and I put the \$10 in one of the little shelves that was above the desk, and he told me to be cautious the first time I ever took any out on bond, to be cautious, not to let anybody see me put any money there.

Q. These were little shelves or pigeon holes? A. I can not state, although I was there so often; I can not say they were shelves or pigeon holes above the desk there; a shelf about that high (indicating) that goes from one to the other.

Mr. Goff.—Mr. Chairman, I think we might with propriety take a recess now.

Chairman Lexow.— Until 2?

Mr. Goff.— Yes.

Chairman Lexow.— If that is satisfactory we stand adjourned until 2.

Mr. Goff.— Will you please announce to the witnesses that they must return at 2 o'clock.

Chairman Lexow.— All witnesses present here under subpoena must return here at 2 o'clock.

Afternoon session, June 4, 1894.

Present the Senators and counsel as before.

Mrs. Augusta Thurow, resumes the stand.

Direct examination continued by Mr. Goff:

Mr. Goff.— The clerk of Essex Market Court here? (The clerk responds to the call).

Mr. Goff.— All right; I only wanted to know you are here.

Q. I call your attention, Mrs. Thurow, to an arrest of some of your girls made in July, 1893? A. Eighteen hundred and eighty-three.

Q. Eighteen hundred and ninety-one, the 31st of July; do you remember that arrest? A. I know my girls were arrested very often; but I don't know anything about the date.

Q. I will take from the police blotter— read from the police blotter and ask you if you remember one of your girls being arrested under the name of Martha Mitsker? A. Mitsker.

Q. Yes, sir? A. She might have given that name; but I don't remember it.

Q. And a girl arrested under the name of Sarah Brown? A. No; I do not remember that name; all the girls that did business and brought their company into my house are down here in this book, and any party that ain't down in this book I don't

think they did business in my house, so that I could consider them as regular customers coming into the house; here are the names; I do not remember Sarah Brown, and Carrie Mitsker I do not remember at all.

Chairman Lexow.—They probably gave assumed names at the station.

Q. Now, I will ask you if you remember—

Senator O'Connor.—Identify the place they came from.

Q. Yes; I ask you if you remember that Lottie Raynor and Lena Lentz were arrested in July? A. Lottie Raynor was arrested a good many other times; what is the other name.

Q. Lena Lentz? A. I don't remember that name; I don't think you will find it in the book there.

Mr. Goff.—Mr. Chairman and Senators, I have the honor of having had a communication from the district attorney, Colonel Fellows, in reference to supposed efforts made on the part of any person in authority to call witnesses to account for matters to which they may testify to here. I think it proper that the committee to call upon Colonel Fellows as district attorney of this county, which he is perfectly willing to do, and has come to you for that purpose, to speak to you on that question. Colonel Fellows is here.

Chairman Lexow.—We would like to hear from the district attorney if he has any communication to make.

Colonel Fellows.—Mr. Chairman and gentlemen of the committee, observing in the papers a statement that the witnesses had probably been intimidated or were reluctant to appear before this committee for fear, as it was stated, that some other tribunal might take cognizance of their testimony, I deem it only proper that I should communicate to the committee and its counsel the fact that in so far as I have made any suggestion whatever relating to this matter, I told a reporter of one of our daily papers Saturday night, who called at my house, and to another reporter this morning, and have since stated to Mr. Goff what I now state to the committee that far from there being any steps taken to present any body before the grand jury, I have assured these parties that I deemed it wholly improper that at the present time the criminal authorities of this city should take any cognizance whatever of this matter. It was a matter for the committee, and until they had concluded such investigations as they chose to make, and had laid something in the way of a formal communication before the district attorney there was nothing for me to act upon. I also communicated with the judge in charge of the grand jury this morning, and we simply informed the grand jury that there was nothing of special importance to bring to their attention at all. In so far as the

district attorney's office is concerned, any fear that its authority, or that of the grand jury, or of the criminal courts, will be used to check in any way the full and complete investigation of this committee, or that it will fail to fullest extent to co-operate with this committee is a mistake which I desire to have corrected at once.

Chairman Lexow.—That will clear the atmosphere very materially, Colonel; and we are very much obliged to you for the statement.

Mr. Nicoll.—May I cross-examine.

Chairman Lexow.—Yes; we do not doubt that the district attorney will aid us in any way in his power.

Colonel Fellows.—I would be very glad to.

Mr. Goff.—I read, Mr. Chairman, from the blotter of the Fifth precinct station-house, under date of July 31, 1893, "Sergeant George C. Lievers in command," the following entry: We say, "In command," in control, "Date, 11 p. m., July 31. Name, Lottie Raynor; age 19, white; nation, U. S.; calling, none; single; can read and write; residence 23 Second avenue; complaint, disorderly conduct; complainant, James J. McCarthy; fined, \$2; police Justice Ryan;" same hour, "Lena Lentz; age, 24; color, white; nation, German; calling, none; married or single, single; can read and write; residence 1440 Avenue A; charged with disorderly conduct; complainant, Patrolman James J. McCarthy; fined, \$2; Police Justice Ryan; charged with soliciting men on Second street, near the Bowery, for an immoral purpose; bailed in \$300; Augusta Thurow, 23 Second avenue, surety; to Thirteenth precinct."

Q. Do you remember the transaction, Mrs. Thurow, about those girls? A. Not Lottie Raynor; she was taken in very often; but I do not remember the other name; she may have come into my house, but I can not state.

Q. But remember going the bail? A. No; I do not remember going the bail; if they were taken in together, and I went the bail for one, certainly, I took the other out, too.

Q. Yes; that is what the blotter shows here? A. If there was two of them taken in together, and if the second girl was one that frequented my house, the one would say, "Mrs. Thurow, take the other one out, too," and I would take her out, whether she belonged to my house or not; I remember Lottie Raynor.

Q. I read from the same police blotter, under date Saturday, August 5, 1893, Sergeant Hugh Clark, at the desk.—

By Chairman Lexow:

Q. That was an occasion on which they were arrested on the street, and not in your house? A. On the street, and not in my house.

By Mr. Goff.

Q. I want to correct that, that the entry is Sergeant H. Clark; he went to supper; on his entry, Sergeant Liebers was also on desk duty; I read: "Hour, 9:40 p. m.; names, Lillie Saunders; age, 24; color, white; nation, German; calling, none; single; can read and write; residence, 23 Second avenue; complaint, disorderly conduct; complainant, Patrolman Henry Lang; fined, \$2 by Justice Ryan;" the other time, "9:40;" same entry, "Annie Lewis; age, 19; color, white; nation, U. S.; calling, none; single; can read and write; residence, 23 Second avenue; complaint, disorderly conduct; complainant, Patrolman Henry Lang?" A. What date is that?

Q. This is August 5, 1893; wait until I get through: "Fined \$2 by Justice Ryan; charged, found on stoop 23 Second avenue, soliciting men for immoral purposes; bail, \$300; by Augusta Thurow, 23 Second avenue, surety?" A. I remember taking both girls out on bonds but I do not know whether those two were arrested on the same night.

Q. You remember taking them out on bonds? A. Yes; I remember taking them out on bonds?

Q. I read from the police blotter from the same precinct, the Fourteenth, under date of August 14, 1893, Sergeant C. Liebers on desk duty? A. It was not Liebers always at the desk.

Q. I am reading from the report here: "Hour, 9:30, p. m.," and the name, "Rachel Marks; age, 21; color, white; nation, Russia; calling, none; single; can read and write; residence, 23 Second avenue; complaint, disorderly conduct; complainant, Patrolman Jacob Leon; fined \$3 by Justice Ryan; found standing on stoop of 23 Second avenue, soliciting men for immoral purposes; bailed in \$300, by Augusta Thurow, 23 Second avenue;" do you remember that transaction? A. Yes; I remember that; that is all correct; the girl can not read and write.

Q. Under date of August 14th, from same blotter, I read: "Hour, 9:30 p. m.; named Sarah Snyder; aged 20; color, white; nation, German; calling, none; single; can read and write; residence, 23 First street; complaint, disorderly conduct; complainant, Patrolman Jacob Leon; found on Second avenue, near Second street, soliciting men for immoral purposes; fined \$3 by Justice Ryan; bailed in \$300 by Augusta Thurow, 23 Second avenue." A. I do not remember that name.

Q. You were testifying before recess, Mrs. Thurow, that you had placed \$10 in a little shelf behind the sergeant's desk? A. Yes.

Q. For bond; now I wish you to go back a little to the first

bonds that were taken from you in the precinct by the sergeant? A. Well, when I heard that Captain Dogherty was going to Europe, before that I had never taken any girls out on bonds; before he went to Europe I went to the station-house and said, "Captain, everybody that keeps a house takes the girls out on bonds; I would like to take them out on bonds;" he says, "You can take the girls out on bonds;" I said, "I have a man that does my plumbing and puts my stoves up, and does all the work; he will go on the bonds;" he said, "You get the man as often as a girl is taken in and let him go the bond, he is a responsible party and he can take them out."

Q. Proceed. A. Then, after the captain had gone there was one or two girls, I don't know which, was taken in; I went to Mr. Sheyerman, in Seventy-first street.

Q. Is he the plumber? A. Sheyerman; and told him he should go to the station-house and bail one of the girls out on bond; he went over and took her out; and second time he went there the sergeant said he would not take his bond, he is not a responsible man; and I went to the station-house myself and said to the captain, and said, "Before the captain left here he stated I could take my girls out on bonds as well as any body else in the neighborhood;" he said, "The captain is to Europe now and I have full power at the desk here and I won't take that man's bond or your's either;" I said, "If you won't take the bonds that settles it and I must go home," going out of the station-house, out on the stairs, the doorman, Ike, said, "See here, you know the trick;" he says, "Let me have \$5 and \$1 for myself and I will fix it with the sergeant;" he said, "You know the trick; you let me have \$1 for myself and \$5 for the sergeant and the girls will get out;" I said, "If that is what is wanted take me back to the sergeant;" I went back into the room where the girl was sitting; there is a little room apart where the officers sit to play dominoes, but there is a room off that, and that is where I was with the girl; and the doorman came in, and in front of the girl I gave him \$5 for the girl and \$1 for himself; then they rang the bell, and I was called out to sign the papers, and the girl was let out on bonds; then when another one was taken in I said, "If I don't make nothing I will make the dollar the doorman gets;" I went to the desk, I went to the sergeant, and went to get one of the girls out; he said, "You know what to do;" I put my money on the desk, and I went and signed a bond.

Q. You saved \$1 by that operation? A. And saved \$1 by that operation, that I was supposed to give the doorman.

Q. Now, Mrs. Thurow, can you state that at all times when you

signed bonds at that precinct station-house that you paid \$5 for each bond that you signed? A. I paid \$5 for each bond, only the one that Mr. Sheyerman went I did not have to pay \$5 for that.

Q. But any you signed yourself? A. Any my name was on I paid \$5; Mr. Sheyerman signed those bonds and charged me nothing, because he did all my work in the house, plumbing and putting up stoves, and I bought whatever I used —

Q. So far as you know, Mr. Sheyerman was not charged \$5 by the police? A. Oh, no; Mr. Sheyerman —

Q. They let him off? A. He paid nothing.

Q. But whenever you signed a bond — A. I had to pay.

Q. You had to pay \$5? A. Yes, sir.

Q. Now, there is a little book here that you have presented; this little book simply contains the names of the girls that you had in your house? A. Yes; and each paid a dollar a week, if they should be taken in that there would be a raid made in there, and I headed it with \$10; I put \$10 in the till; I headed it with my name, and they paid each a dollar.

Q. That was a protective fund, as they called it? A. That was a protective club against the police.

Q. This money was to be used — A. For the sergeants for bonds money.

Q. To pay for the sergeants for bonds money? A. That they would not be in a cell all night, and they must pay the fund money the next morning; if not, I had to send the money down, and they gave it to me back.

Q. I hand you this book, and call your attention to the page under November 10, 1893, and ask if that is the entry you have testified to now? A. Yes, sir; where the club was organized and I headed with \$10; don't you see?

Q. And whose handwriting is that? A. Mine.

Q. That is your handwriting? A. Yes, sir.

Q. And these girls' names are? A. All in my handwriting.

Q. But the names of the girls? A. Of the girls? You will find here Martha Winters, fined \$5; well, this girl was taken in, and I paid her bond, but I did not — I was supposed not to put down bonds; I put down fine.

Q. You are supposed not to enter what you paid for bonds? A. Yes; she paid her own fine next morning; I put down fine, but it was bond; here is Sadie Reed, \$7; that is \$5 bonds and \$2 she was fined in court; now, you see I paid out \$29; you see; that busted up this club; I would not put in the next day another \$10.

Q. That was too much money drawn? A. Too heavy, and the club burst up; Minnie Ryan, I think, paid \$5 bond and \$2 fine; Mary Davis, \$5 bonds, which amount to \$29, and here taking

them out of Essex Street Market, Frankie and Maggie fined; I only added \$5 there; I had to lay out for each of them \$5, and there is a mistake; instead of \$34, it is \$39; I saw that this morning; that is what I paid from the 9th to the 11th of November.

By Chairman Lexow:

Q. In two days? A. In two days.

By Mr. Goff:

Q. From the 9th of November to the 11th? A. Thirty-nine dollars, bonds and fine, and \$2 fine in the police court, and the rest all bonds.

Q. Of the sum of \$39 there was \$14 fine, and the rest all bonds? A. Yes, sir.

By Chairman Lexow:

Q. How many girls did you have in your house at that time? A. Three; they were not all in my house; there were three or four living there, but the others were outsiders who brought their company into my house.

By Mr. Goff:

Q. I read from the police court blotter, in corroboration of the last testimony of the witness that on November 11th, the same date as on her memorandum, that Sadie Reed, aged 23, white, born in England, no occupation, married, can read and write, residence 23 Second street, disorderly conduct, complainant, Patrolman Henry Lang; charged with loitering on Second avenue and Second street, for immoral purposes; fined \$2, the same as in this book; bailed in \$300 by August Thurow, 23 Second avenue, surety; same date, under name, "Jennie Reilly"—it is "Minnie Ryan" here? A. It is Minnie Ryan.

Q. She gave the name of Jennie Reilly, aged, 25; white, U. S.; no occupation; single; can read and write; residence, 23 Second avenue; disorderly conduct; complainant, Patrolman Francis J. Hughes; charged, soliciting men for immoral purposes, Second avenue and Second street; fined, \$2, by Justice Ryan; bailed in \$300, by Augusta Thurow, 23 Second avenue, surety; I will read, Mrs. Thurow, the names of this protection club, "Augusta Thurow, \$10?" A. I headed that; that is me.

Q. You headed the subscription? A. Yes.

Q. Frankie Moore, \$1; Rachel Davis, \$1; Mary Williams, \$1; Rosie Wilson, \$1; Lizzie Lawrence, \$1; Lillie Sanders, \$1; May

Prior, \$1; Mary or Fanny Coleman," she don't seem to have paid any; her name is here; Sadie Reed, \$1; Mary, Davis, \$1; Hattie Hendricks, Martha Windon, \$1; Charlotte Price, \$1; Gussie Price, \$1; Carrie Williams, \$1;" Sadie Cohen does not seem to have paid nor Nellie Holden? A. They did not give me the dollar.

Q. "Frankie Moore, \$1; Rachel Davis, \$1; Sadie Reed, \$1;" we read from the blotter in further corroboration under each name— Senator Cantor.—From the police blotter?

Mr. Goff.—From the police blotter under the date of November 12th, while the entry is here on November 11th; the difference between dates there, guided by the midnight mark is very slim with these people; the entry is 8:30 p. m.

The Witness.—In December?

Q. No; in November; name, "Frankie Moore; color, white; nation, U. S.; calling, none; single; 23 Second avenue; disorderly conduct; complainant, Patrolman Henry Lang; found on Second avenue between First and Second street, soliciting men for immoral purposes; fined, \$2; bailed in \$300, by Augusta Thurow, 23 Second avenue?" A. Well, when the club was busted up, I did not make any more entries.

Q. You did not keep a record of the transactions after the combination went to pieces? A. No; not after that.

By Chairman Lexow:

Q. Who got this money; the \$5 you gave the same person? A. I put it on the shelf in front of the sergeant; I don't know who got it when I went away.

Q. Did you see him take it up? A. I did not see him take it up; I was obliged to put it on the shelf; if I signed my bond, I then had to put the money on the shelf, and then sign my name.

Q. And you were not allowed to sign your name until the money was up? A. In one case I said I hadn't got any money, and the sergeant said, "Mrs. Thurow, you are good for it; you sign the paper and send the money in," and next day at 12 o'clock the sergeant told me he would be in, and before 12 I was into the station-house, and gave him the money; to the sergeant.

By Mr. Goff.

Q. What sergeant? A. He told me the next day he would be on until 12.

Chairman Lexow.— Senator Cantor would like to see that book.

By Mr. Goff.

Q. Now, Mrs. Thurow, I ask you to come to the point when the captain returned from Europe; that is Captain Docharty; after

he returned from Europe, in 1893, were you running business?
A. Yes.

Q. Now, after the captain returned, were any of your girls arrested? A. Yes; they were arrested several times.

Q. Did you go to the station-house about the arrest after the captain's return? A. They took them out on bonds; yes; as usual.

Q. Do you remember one time after the captain returned your going to the station-house, when your girls were arrested and your meeting Hoch there? A. Yes, sir.

Q. Do you remember what Hoch said to you? A. Hoch says you can not take any more; and he says, "We are going to raid the house to-night; we are going to bust up that shanty to-night;" but he said, "You can go and take those girls up on bond;" I said, "Hoch, what is the matter? I take those girls out on bond, and we take them to 23 Second avenue." I will leave those girls here, and you will come up and raid me, and they are here in advance; I won't take them away;" I went home, and the sergeant at the desk sent a policeman up telling me I am not to make a fool of myself; that Hoch would not raid that house any more than he would, to-night; I went down and took the girls out.

Q. Did you pay the usual \$10? A. The usual \$10.

Q. Now, do you remember paying Hoch any money shortly or immediately after the captain's return from Europe? A. Well, I paid Hoch \$25; he came to my flat; oh, that was later; I paid Hoch, a few days before the policeman was stationed at my door, \$25; I think it was about two days before; and then I went down to the captain and asked him why that man was there.

Q. Let us come to that; after you paid Hoch \$25, when the captain returned from Europe, was there a policeman placed on your house? A. A few days after.

Q. A few days after? A. In front of the doors; in uniform.

Q. Did he stand there all the time? A. He went a few doors up and down to the corner, but he was the most of the time in front of my house; I went down to the captain and asked what that man was there for, and he says, he had orders from headquarters to close down that house; it was too much a notoriety, and that if he did not close it up that the headquarters would come and close it up; but, any way, the man was not there again in the three days after I went down and talked with the captain, the man was away, and stayed away three days, and then after that there was a man posted there again, and stayed there 10 days, changing every time the patrol came.

Q. Did the sergeant say to you or any other person at the station-house that any official from headquarters had ordered

them to place a man in front of your house? A. The captain told me the superintendent ordered it.

Q. Captain—? A. Captain Docharty.

Q. Told you the superintendent ordered it? A. Yes.

Q. You remember him saying anything about an official from police headquarters having been solicited in front of your house? A. Yes; Inspector McEvoy, the acting superintendent.

Q. Who stated that to you; that Acting Superintendent McEvoy had been solicited? A. Captain McEvoy and Hoch, too; Hoch said this to me, and that the evening when he said that the house would be raided to-night; he said Inspector McEvoy had been solicited, and then Hoch went for a vacation, and I did not see Hoch for a few weeks.

Q. Do you remember the captain saying to you anything about the cause of taking the man away from in front of your house? A. No; he did not say.

Q. Did he say he would send a message to you through Hoch about it? A. I went down there and said, "I spend a lot of money in the house and fix it up according to my taste, and if I could stay in the house, I would make good and give any such terms as he would state to me, as he would let me know how to pay it; so then the captain said you go home, and that man will be away from the door, and I will send Hoch up to you to tell you on what terms.

Q. On what terms? A. Yes; well, then that was in the afternoon, and at 6 o'clock there wasn't any man stationed at my door anymore; then Hoch came back from the country, and he went up into my flat.

Q. That was about what month; do you know? A. That was when Hoch came back from his vacation.

Q. In September? A. September, I suppose; the early part of September.

Q. I want to ascertain, Mrs. Thurow, if it was before Hoch went on his vacation, in that year, or after he came back, that the man was placed in front of your door? A. Hoch told me there that evening when I went to take the girls out, that the houses were going to be raided, that there was going to be a man at the door, and I never seen Hoch until he came back again.

Q. Did you have any talk with the man that was placed in front of your door at any time? A. Well, yes; I asked them what they were there for, and they said they did not know.

Q. You asked the policeman what they were there for, and they said they did not know? A. They did not know.

Q. Was that all that took place between you? A. I asked several of them; they changed a policeman every time the man

in front of my house changed, I asked them, and they said they did not know, and they were ordered, if any girls showed up in the front windows, to take them right down to the station-house.

Q. After Hoch returned from his vacation, did he visit you at your flat? A. Yes; I went and came to terms with the captain, and he said he would send Hoch up, and tell me on what conditions, and Hoch came and said to my husband, I want —

Q. Were you present? A. He said to my husband, I want to see your wife; my husband came in the house and told me, and Hoch himself, and my husband went up in the flat; I said, have you any extra message from the captain; he says, "No," and I gave him \$25, and the \$5 for himself, and he went away.

Q. Did he say anything about being surprised that the captain let you open again? A. Yes, sir; he said you are doing pretty well; I was surprised when I came back and heard you were doing business.

Q. Well, now, when the captain took the man away from your place, did he say anything to you about the name of the place that you should run it under, or suggest anything? A. Oh, yes; when I was there he said to run it under cover of a cafe, or cigar store after this.

By Chairman Lexow:

Q. Under cover? A. Under cover of a cafe or cigar store; I ran it under the name of the Cafe Excelsior.

By Mr. Goff:

Q. And did you put the lettering on the doors and windows? A. On the doors and windows; I put it on.

Q. Now, after that, when you were running the Cafe Excelsior, were you pulled again? A. I was pulled the 20th of January.

Q. Weren't you pulled in November? A. I mean in November; I was pulled on the 20th of January by Captain Cross, but before that in November, I don't know the date; it was a little while, about a week or so after I had given Hoch the money.

Q. The monthly money? A. The monthly money.

Q. And that would be around the 18th or 20th? A. It was about the middle of the month; it may be a few days before or a few days after; I couldn't state that for sure.

Q. Now, you were fined \$25 then in Special Sessions, weren't you? A. In Special Sessions, yes.

Q. Can you say, to your memory, at the time of Special Sessions, did you see Detective Mallon? A. I see — Detective Mallon took

me to the station-house; I said, "This is a nice thing; I am after paying Hoch money, and I am pulled; he said, "Somehow or other, you did not hitch with the boss;" he says, "But then, they are all going to be closed here shortly, and the Parkhurst Society is after the whole business, and in a few days First street will be no more.

Q. He says First street will be no more? A. Yes.

Q. Did you see Hoch at that time? A. Hoch was in the station-house.

Q. Did you have any conversation with him? A. Well, he mentioned the houses; he mentioned the houses would be so.

Q. Did you have any conversation with Hoch? A. Yes.

Q. At the station-house at that time? A. Yes; I had a conversation with Hoch at the station-house; and at the time when I went down there to see the captain I told him, I says, "It is funny I must get out of the precinct and everybody is running;" he says, "Find another house in the precinct and I will protect you, but I will not stand for 23 Second avenue any more; and I found a house, 17 Second avenue, the corner; there was a wine and liquor store up there, and the man let me have that place.

Q. What was the number of the place? A. No. 17 Second avenue, the corner of First street and Second avenue, and I made arrangements with him, and he said he would let me have the furniture in the place and the place upstairs for \$100, and \$50 a month for the furniture; I paid him \$50 down on the 19th, and then the next day I was taken — it was on the 20th — of November anyhow I was taken; it was the 20th, I think, because my receipt where I paid the \$50 here, I think, said the 19th.

Q. Now, after you paid the \$50 —? A. I don't know whether it was the 19th or not; I paid the — I know the day I paid the \$50 on the furniture in First street, corner of Second avenue, the same night I was raided by Captain Docharty.

Q. Now, did he say anything to you further about protection, about enabling you to conduct business there? A. I said to the man there; I said, "Now, I will take this place —"

By Mr. Nicoll:

Q. Who was this man? A. Mr. Lawrence, the man that kept the wine and liquor store.

By Mr. Goff:

Q. I don't care what you said to him? A. I will have to tell you in order to find out what Hoch said; I said, "You ask Hoch what protection I will have to pay right down when I take the

place; you come down to the station-house and speak to them, because it is your place I want to rent, and you will see," and he came back and told me.

Objected to.

By Chairman Lexow:

Q. Who came back and told you? A. Mr. Lawrence.

Q. What did Hoch say to you? A. That was after I spoke to Mr. Lawrence first.

Q. Come down to where you spoke with Hoch.

By Mr. Goff.

Q. You had a talk with Mr. Lawrence; wait awhile.

Mr. Goff.—It is a very strict application of the rule. I admit it is not competent, but I think, in an investigation of this kind, the whole matter should go in.

Chairman Lexow.—Let us see if we can get it out by conversation with Mr. Hoch; we may get it out.

The Witness.—After I had spoken to the man in the wine saloon, he said Mr. Hoch would see me. Mr. Hoch had seen me on Second avenue, under an awning of the house 31 Second avenue, where the decoration place is, under that man's awning. He told me the captain said I can open 17 Second avenue, corner of First street, under these conditions, \$1,000 for the captain and \$250 for Hoch.

Q. Hoch said that to you? A. Hoch said that to me, but the wine man told that to me before.

Q. The wine man told you that those were Hoch's terms? A. Hoch's terms; and Hoch would see me in a couple of nights; I see him under the awning of the decoration place, and he told me the captain wanted \$1,000 for himself, and \$250 for Hoch, probably; well, I says, "Hoch, I can never pay it; I want you to ask the captain on what sort of installment he can take that; I can raise \$500, and I have a girl in the house that will lend me some; I can mortgage the house; I will have to try it somewhere;" and Hoch then went away; then I could not see Hoch after that, and I spoke to Mallon, and I said, "I am expecting to see Hoch," and the policeman said, "Hoch is around all the time, and he will see you;" and I sent a man from the house down for Mr. Hoch, and he brought Hoch up again, and Hoch stood under the same awning with me; I said, "What does the captain say;" I said, "I would pay \$500 down and \$50 protection, and \$50 on the balance of the bill from the \$1,250;" and Hoch says, "Business are on the bumerina; Parkhurst is on the

road, and you have got to lay low for 30 days," and that is the last I see of Mr. Hoch.

Q. After that last interview that you had with Mr. Hoch, were you raided after that? A. I was raided by Captain Cross.

Q. By Captain Cross, when he came into the precinct? A. Yes, sir.

Q. And you were fined \$50 then? A. I was fined \$50 two months after that; the case did not come up until very long after, and went—I was in the flat at 63 Fourth street, and my husband came up and said, "Ike Hirschman, the man that keeps the place corner of Second avenue and First street, he has taken a new saloon, corner of Broome and Allen, and he thinks it would be a nice place—

Mr. Nicoll.—The witness should speak a little louder.

The Witness.—Ike Hirschman came and told my husband to tell me he had a new liquor store, corner of Broome and Allen, and he wanted me to take the apartments above and use them for immoral purposes; I went down and spoke to him, and he wanted \$75 rent, and things would be fixed; "Well," I says, "how much will I have to pay?" He says, "You will have to pay about \$250 to the wardman, Mr. Levy."

Q. Levy? A. Yes; so I says, "Well, I will tell you, Mr. Hirschman, I have not got that much money, but my husband has a diamond stud, and I have a diamond ring;" now, I says, "Ike, if you will attend to this and give him the money, I have money enough to pay some down on the rent, and will try to pay something down; I will try to make a living there;" and so he pawned the diamond ring and stud for \$115, and gave me the money; I paid \$25 with it, and went down to the corner of Broome and Allen and Mr. Hirschman said Mr. Levy is not there; I said, well, "Around this place here I do not like to keep \$150 with me; you take it, and if Mr. Levy comes in you give it to him, and he will get the rest in a week's time; and he took it, and gave it to Levy.

Objected to by Mr. Goff.

By Chairman Lexow:

Q. Do you know the fact that the money was given to Levy? A. The fact the money was given Mr. Levy acknowledged afterward to me; then, after the money was paid and \$40 down on the rent, Mr. Hirschman informed me that there was trouble about his licence, and I must not let one couple into the house; I said, "You know I gave my last money; you know my husband's stud and my diamond ring went, and I have nothing to

live on;" Mr. Levy came in, and I asked Mr. Levy, "Have you got the money?" He said, "I got the money, but there is a little trouble with his license, and then you can start in;" I was very disagreeable with Mr. Hirschman, that he could not let me do business, and that was the middle of February, and the 1st of March I hadn't been doing any business of any account yet, and when I thought I hadn't anything for the \$190 that I laid right down, why I sent the man that was helping me lay down carpets, fixing things, I sent him with a letter to the station-house, asking for Mr. Levy; I said, "I do not wish to stay here; here is this first mortgage, and there is some trouble with his license; I want my \$150 back, Mr. Levy;" he said, "Mrs. Thurow, I could not give it to you; I gave Charlie Jacobs \$50 of it, I gave Tommy McKenzie \$50 of it, and only got \$50 myself; I can give you the \$50 back, and I can not go and get it of Tommy McKenzie." Those were two central office men, he said. Then I could not say anything more about that; when the 1st, the 2d, and 3d and 4th of the month came, and Hirschman was driving away at me for rent, I had none to give him, and he dispossessed me, and I had to sell everything that was in the house for \$45, and get out of there

Q. Was there any one present when you gave that money to Hirschman? A. The luncheon man.

Q. Al? A. Al; yes.

Q. I wish to ask you, if in addition to the money that you have testified paying to the wardmen and the sergeants, and the other transactions, where you were in Second avenue, did you pay any money to the patrolmen on the beat? A. Every patrolman on the beat there got \$2 a week from me, and when there was many changes every week, seven or eight different ones in the week.

Q. And the more frequently they changed, you had to pay the \$2? A. Yes, one told the other, I suppose; and they would stand in front of the stoop, and I would go down stairs, and they would say, "You know what's the matter; I am as good as everybody else; I am flesh and blood, and want what the others get;" and I gave them \$2, every one of them; there is no exception.

Q. Do you remember any of their names? A. Henry Lang.

Q. That is the man that pulled in so many of your girls? A. He is wardman now.

Q. Do you remember any others? A. George Murdock, Morris Hess, Billy Kennel, McCarty, Hughes.

Q. And other names? A. I cannot remember any others.

Q. Do you remember at any of the times you were in trouble about being allowed to sign the bail bonds, do you remember

of saying anything to Detective Mallon about the difficulty you had in getting your girls out? A. Not to Detective Mallon; I don't remember speaking to him about it.

Q. Do you remember saying anything to anyone about the difficulty you had in getting your girls out? A. Well, I had difficulty in getting girls out.

By Senator Bradley:

Q. Do you remember speaking to anyone about the difficulty you had in getting the girls out? A. No.

By Mr. Goff

Q. Do you remember Senator Roesch had anything to do? A. Yes, sir; one time when they refused my bonds, I said to my husband, "Go up and tell Senator Roesch now to come down and take them out on bonds; he said he would do it, if they refused; he said, "If they refuse your bonds, your husband will let me know it, and I will see to it.

Q. Senator Roesch said that to you? A. He said that to me and to my husband in his office.

Q. Did he say anything about the trouble? A. I said, "I have the greatest trouble in getting my girls out, somehow, and he said, "If you have any trouble, you send to me at the club house, and I will see to it."

Q. Do you remember saying anything to Detective Hoch about having paid the money to Senator Roesch? A. I told him about it, but I did not say much; he was trying to get at it.

Q. What did you say to him? A. I said to Hoch, "I can not afford to pay more than I am paying; you people treat me so terribly, and I had to go to Roesch, and I had to pay him for his trouble; he said, "What did you pay him?" I said, "Never mind what I paid him;" he says, "That is how it is with you; you people get us angry; you give the money to the politicians that belong to the police."

Mr. Goff.—You may examine.

By Chairman Lexow:

Q. You mean the money that was to go to the police? A. He says, "You give the money to the politicians, that ought to go to the police;" he says, "Are the politicians doing for you, or are we doing for you?"

Cross-examination by Mr. Nicoll:

Q. How long have you lived in New York? A. Ever since I was 3 years old; I came here when I was 3 years old.

Q. Did your parents bring you here? A. My parents brought me here.

Q. Where were you living when you first came, when you were a child; were you living at one place? A. I don't know; I was too small to know.

Q. Where do you recollect? A. I can recollect for about as much as 20 or 25 years, we were living 128 Essex street; I was living there with my father and mother; I married my husband from there.

Q. This husband? A. This husband.

Q. When was that? A. Twelve years ago.

Q. What was his business? A. Baker.

Q. Before you kept the house 23 Second avenue, had you kept any other place of prostitution? A. Never before; I always did dressmaking, and my husband had—

Q. Before you kept it as a house for girls, did you keep it as a house of assignation? A. No; I kept it as a straight house before, and then I let it out, letting the rooms for so much a week, letting the premises for immoral purposes, of course, but did not have any house of assignation in the commencement.

Q. Where did you first commence to keep it as a house of assignation? A. About four years ago; I did not take any notice of dates.

Q. When did you first commence to take girls in the house? A. I took girls in the house, I might say, about six years ago; you know the first part of the time, I only had the two top floors, and there was only a few rooms I could let, and when my husband worked as foreman anywhere, the workmen used to live with us, in the house, and then I didn't have any girls at all for a long time; I don't think it is over five years that I took any girls in.

Q. What was the regular price paid in your house to the girls? A. Before I allowed them to do any business they had rooms for \$2 and \$3.

Q. How much of that money did you get? A. Four dollars a week. \$3 a week. \$2 a week.

Q. You mean to say they paid you \$3 a week? A. Three dollars a week for a room on the top floor; I had girls living for a longer while \$4 and \$4.50 for a long time, and they occupied a front and back parlor for \$5 a week.

Q. What was charged by the inmates for prostitution? A. I do not know; I was letting the rooms.

Q. At the time you had it going? A. I could not tell you

that; I could not tell you what they charged; I never was inside a room where there was any business transactions; I don't know what they charged; I charged nothing; I never charged anybody anything.

Q. I mean to say, hadn't the house any regular price; was it \$2? A. I can not say what they charged.

Senator Bradley.— Answer the question; that is all; do not talk.

A. I don't know what they charged.

By Mr. Nicoll:

Q. How much out of each one of these business transactions was paid you? A. I got my money by the week.

Q. The girls paid you by the week? A. By the week; I got my rent.

Chairman Lexow.— She rented the rooms, as I understand it; that is all.

Mr. Nicoll.— I only wanted to know how they run the house, that is, for the public good, and the instruction of the Senators.

Senator Bradley.— I don't think the Senators want to know anything about the prices; we are not interested in it.

Chairman Lexow.— Go ahead, counsellor; continue your examination.

Q. When did you first make the statement from which Mr. Goff has examined you to-day? A. When I first made the statement?

Q. Yes. A. Shortly before my case was tried, when Captain Cross raided me, I went down to my lawyer, Sullivan, and he—

Q. Who? A. Sullivan; and he always told me I would get clear of it; and the last time I went down he said, "Now, Mrs. Thurow, I am going to make a clean breast of it, you will have to do a little fine, but it will be a city prison, and you are willing to do a little time in the city prison;" I said, "Oh, yes, as long as I don't have to go over to the Island;" he says, "The trial will come off Monday, and you must bring \$25 down; I can not say whether you get a little fine or city prison; I took it for granted, he was only trying to make me not feel so afraid, because he said bring \$25; I can not say, but things look to me I was to get some time; I said I was satisfied to get some time.

Q. Was you satisfied to get some time? A. I told him so, but I was not satisfied in my heart; I took the car and went up to Dr. Parkhurst's and told him the whole business then.

Q. Did you make a statement to Dr. Parkhurst? A. I told him; I didn't make a statement of what I told here, not one-eighth of it.

Q. You gave him some of the general items of the story? A. I told him of my tale of woe.

Q. You told him your tale of woe? A. Yes; I told my tale of woe to Dr. Parkhurst; I felt so angry to think that after he having my case and drawing it along, and bringing it before the court six or seven times, and not having it tried, and then in the end telling me very nice and politely, "Mrs. Thurow, you will have to do a little time in the city prison;" I felt a little too much, and I felt revengeful, and I told Dr. Parkhurst all about it.

Q. Do you still feel revengeful? A. No, I feel satisfied now.

Q. You feel satisfied now? A. Yes.

Q. You have sort of comforted your mind now? A. Yes.

By Mr. Bradley:

Q. It took \$110? A. After he got a hundred dollars from me, and told me, "Mrs. Thurow, you will have to do a month's time," and after he got the \$110, he informed me kindly and politely, "You will have to do a little city time."

By Mr. Nicoll:

Q. Mr. Sullivan, the lawyer? A. Yes; they asked me to tell the day I first made the statement, and that is the day.

Chairman Lexow.—Limit yourself to answering the question, yes or no.

Q. When you outlined it to Dr. Parkhurst, who did you next see; did you see the counsel for the Society for the Prevention of Crime? A. I saw nobody until I saw Mr. Goff here.

Q. Did you next see Mr. Goff? A. Mr. Goff examined me here.

Q. Where was that statement or writing on which he examined you; where was that made? A. I never seen Mr. Goff until I seen him here to-day.

Q. To whom did you make the statement from which Mr. Goff examined you?

Mr. Goff.—I object. This question can not effect the value to be given to this witness' testimony. I do not think it is right to permit counsel to go in and inquire into the secret channels of communication that witnesses may have to convey their information to counsel here, whether it comes directly or indirectly. It simply raises up the question of further intimidation of witnesses, to prevent more witnesses from telling people who may tell us. I think this case is within the power of the committee, using its discretion to protect witnesses from a needless cross-examination by this man. It is not upon the facts; it is not upon the evidence.

Mr. Nicoll.—Now, I say, here is a committee of the Legislature, who are sitting here to listen to evidence gathered by a society

that have been at war with the police force for two years, and who are animated by methods of revenge against them. Here is a society employing three, four and five detectives.—

Mr. Goff.—That is not true.

Mr. Nicoll.—Who are going around and getting stories from prostitutes to bring before this committee? Does not common justice demand that the committee should find out the way in which those stories are gotten up and presented to it?

Chairman Lexow.—After all, Mr. Nicoll, the point about your inquiry is to set before the committee a state of facts which would enable them to discredit the witnesses. That is your object in doing that. I do not think this committee is going to discredit the witness' testimony on such grounds as that. We know how this testimony has got to be secured, and we know through the testimony of this witness, if the agencies through which this testimony is secured is opened up before the police department, we will have great trouble in getting testimony.

Mr. Nicoll.—This talking about intimidations is exaggerated.

Chairman Lexow.—I am speaking of this witness describing through the evidence you are eliciting here, the agencies and channels through which this testimony is being secured, and that may be very harmful in the future. I think you have plenty of ground to cross-examine this witness on without going into this question.

Mr. Goff.—I wish to say one word here, that until Dr. Parkhurst came into court to-day, after this witness was on the stand, I was absolutely ignorant, or unaware that she had been to see Dr. Parkhurst.

Mr. Nicoll.—I think Mr. Goff has enough to do to examine the witnesses in court; but he has capable lawyers assisting him here, whose business it is, and the corps of private detectives seated around this room, whose business it is to work up this testimony.

Chairman Lexow.—A ruling has been made, and unless it is set aside by the majority of the committee it will stand. You ought to have, on testimony of this kind, you ought to have the widest latitude of examination. I believe you ought to have the widest latitude of examination. You have got a witness here who has given dates, given names, given times and circumstances with an amount of minuteness that I have never heard before in the trial of any case; and if you can not cross-examine on the facts in the testimony, you will not aid the committee in cross-examining on the basis of the statement you have just made.

Mr. Nicoll.—I will come to my old line of cross-examination on the limits allowed by the committee in a moment; but I appeal to the committee now to permit me to interrogate the

witness as to the circumstances under which this story was gotten for this committee, in view of the facts the committee have.

Chairman Lexow.—Supposing we assume for the purpose of your side of the case that this testimony was first elicited by means of a special detective in the employ of Dr. Parkhurst. Probably that is what you are going to attempt to elicit. Now, we will assume that. What good will it do for you to elicit it? Certainly not to get the name of the person who elicited it.

Mr. Nicoll.—On cross-examination she admits she only told a little of this to Dr. Parkhurst; she told him a tale of woe, and now we found she has blossomed out into a witness involving and swearing away the reputation of at least 20 different officers, perhaps more. I have not counted them all up, belonging to the police force in this city. Her story was very small.

Chairman Lexow.—Don't you understand that that very fact will injure the testimony, because you will have the chance of calling 20 witnesses.

Mr. Nicoll.—I appeal to the committee to decide against the ruling of the chair.

Mr. Goff.—I object to the appeal being entertained.

Senator Cantor.—The committee has a right to determine this question.

Mr. Goff.—It come to a very serious question here.

Chairman Lexow.—It is settled, Mr. Goff.

Mr. Goff.—I hope a precedent will not be established.

Senator Cantor.—It is settled without discussion. The committee has decided it without discussing it at all.

Mr. Goff.—I ask the committee shall not establish it now as a precedent, because it would be mischievous.

Chairman Lexow.—We are establishing no precedent. I refer the matter to the committee, and the Chair has been sustained most unanimously.

Mr. Goff.—This thing, gentlemen, of a lawyer, of a counsel who is here by suffrance, and by courtesy only, having no rights, appealing to overrule the decision of the chairman of the committee, why, it is an insult to the committee.

Chairman Lexow.—When the Chair wants to sustain his own dignity, he will do it. Mr. Nicoll will now continue the examination.

Senator O'Connor.—Mr. Nicoll, I desire to say, in concurring with the chairman of this committee, in making this observation, we know this inquiry is entirely different from the trial of a suit at law, and your questioning in a litigation entirely proper; but we appreciate the difficulty the evidence is gathered under. We appreciate the difficulty the counsel for the com-

mittee has in getting this evidence. We do not believe it prudent or wise to compel the witness to disclose the instrumentality which they have employed to get them here. We believe you have ample opportunity to thoroughly discredit her. She speaks of a number of individuals, and gives the facts, time and place, and names of men outside the police force. It does not seem to me it is in the interest of this investigation to compel the witnesses to disclose the agencies which this society has employed, at this particular time; and this ruling, as I understand it, was made without any precedent. We will meet each situation as it comes up. There may come a witness on the stand under such circumstances, where it would be entirely proper to compel the witness to disclose.

Mr. Nicoll.—You will permit to appeal from the Chair to the committee.

Senator O'Connor.—I think that is entirely right. We agree with the chairman in this ruling.

Chairman Lexow.—Mr. Nicoll, if you will continue the examination. We have taken up about half an hour in the discussion.

Q. Did you not retain Senator Roesch as your lawyer in this matter? A. Oh, no.

Q. Not as your lawyer? A. Oh, no.

Q. When you went to see him at his law office on two consecutive days, was it not for the purpose of engaging his service as a lawyer? A. Oh, no; Osborne was my lawyer.

Q. Osborne was your lawyer when you went into the Tombs Police Court? A. If I needed a lawyer in any case, I always would get Osborne.

Q. How often did Osborne appear for you? A. Twice.

Q. You had Sullivan on another occasion? A. Yes; I had Sullivan a third time.

Q. So, if you needed a lawyer, you did not always take Osborne? A. I did when I could get Osborne; I will tell you how it happened I did not get Osborne; this man—I will have to go back to the Allen street—

Q. You need not go back to that; what I want to know is, about Senator Roesch; you knew he was a lawyer? A. I knew him to be a Senator, I didn't know he was a lawyer, or what he was.

Q. Didn't you go to his law office? A. He told my husband to bring me down to his office; certainly it was a law office.

Q. It says law office over the door? A. Yes.

Q. So when you went to Senator Roesch's law office, you knew you were going to the office of a lawyer; didn't you? A. I did

not have in my mind that I was engaging a lawyer when I went to his office; it never occurred —

Q. Didn't you go to him after your girls had been arrested on a number of occasions, and you had been, as you thought, persecuted by the police, to engage his services? A. I went to Mr. Roesch to use his influence, so I could do business for him.

Q. You didn't tell him that, did you? A. I did, indeed; I told him that; I told Senator Roesch to do all he could as I would pay him.

Q. Didn't you tell Senator Roesch you had been persecuted by the police? A. I always got them out, and did not mention that to Mr. Roesch.

Q. Didn't you tell him you were persecuted by the police? A. Yes; I wanted him to fix it so I could open my house again.

Q. Didn't you tell him they had shut your house? A. It wasn't shut; the policemen stood in front of the door, but the house was not closed; all the inmates and I was in.

Q. Were you doing business? A. Oh, no.

Q. Your house had been shut? A. Well, it had been shut.

Q. The police had shut it up? A. Yes, sir.

Q. How many times in all were you or your girls raided by the police of this city? A. I can only tell how many times I was raided; the number of my girls that was arrested was legion.

Q. You say the time you were paying the police money they were constantly arresting your girls? A. Certainly they was; the police blotter shows it.

Q. And at the very time when you were paying the money for protection, they were raiding your house, and arresting your girls? A. Yes; because they wanted to raid the ranch, because if the terms did not come up from \$60 to \$70, they would not take the noteriety of it.

Q. How many times were you in the Court of Special Sessions, charged with keeping a disorderly house in the past four years? A. Three time altogether in the past four years — I was taken in one year; October and November, the next time; in a year and two months.

Q. You were raided in the autumn of 1892? A. I was raided twice by Captain Docharty and once by Captain Cross.

Q. Was the first raid in October, 1892? A. It was October 25th; I guess it was 1892.

Q. And you were raided again when? A. In November.

Q. November of the same year — 1892? A. In 1892 by Captain Docharty twice in a year.

Q. And then you were raided again when? A. The 20th of January by Captain Cross.

Q. The 20th of January, 1893 or 1894? A. Eighteen hundred and ninety-four.

Q. Weren't you raided at all, during the year 1893? A. Now, I was raided on the 25th of October.

Q. That is 1892, isn't it? A. Eighteen hundred and ninety-two; and I was raided in 1893 by Docharty; and in January, I was raided by Captain Cross.

Q. You have stated that you were raided about October, 1892, by Captain Docharty? A. Yes.

Q. You were raided in November, 1892, by Captain Docharty, am I right about that? A. Well, yes.

Q. You were raided then in November, 1892, by Captain Docharty? A. I was only raided twice by Captain Docharty.

Q. Have you forgotten the dates? A. The 25th of October, and in November; the middle of November; I do not know what date.

Q. Do you know the year? A. Well, it was 1893.

Q. November, 1893? A. Yes; it was in 1894 when Captain Cross took me in June.

Q. You were raided once by Doherty in 1892; you were fined and you went back into the business? A. Twenty-five dollars.

Q. And you went back into the business again? A. Yes.

Q. You were raided in 1893? A. Yes.

Q. And you were fined and went back into the business again? A. Well, I had the business for over—I didn't at that time actually do very much business; the house was kept under the closed condition.

Q. Yes; during 1893? A. Not during the year—from the time Doherty raided me until Cross raided me—that was not a year; it was about two months.

Q. From the time that Doherty raided you in November, 1893? A. Yes.

Q. You didn't go back into the business again to any great extent? A. Well, you see I didn't go back to the business like always with any promise of protection; I did it on my risk; I had no protection from anybody.

Q. You had no protection? A. From anybody.

Q. You were arrested again and raided by Captain Cross in 1894? A. Yes; in January, 1894.

Q. And that was the time when you retained Sullivan? A. I didn't have any lawyer then.

Q. Isn't that the time you were speaking of when you retained Sullivan? A. No, somebody declared my bonds forfeited but I was taken out of my house, and they said I tried to skip my bonds; and I said, "I never intended to skip my bonds;" and I went down to Captain Cross and said I heard it is all around I was intending to skip my bonds, and I told him where I was and the captain knows I told him that; I engaged Sullivan in the court.

room because the court clerk took me down to the Special Sessions right away, and in the Special Sessions is where I engaged Sullivan.

Q. That was the third conviction in a period of one and a half years? A. A year and two months.

Q. You were convicted three times in a year and two months, in keeping a disorderly house? A. Yes.

Q. Was that your last raid? A. That was the last.

Q. Then you went out of the business? A. No.

Q. You didn't? A. No; I was just saying that I tried to open a place corner of Broome and Allen, and I was told to not say anything about it and was stopped.

Q. You didn't go out of the business? A. Didn't go out of the business.

Q. You went out of the business the last time you were convicted in the Court of Special Sessions, didn't you? A. I had a house there, and was trying to open it, and as I told you there was the trouble with a house license and could not open it.

Q. Didn't you say to Mr. Goff, on his examination, in answer to almost his first question, that your present occupation was dress-maker? A. Yes.

Q. And that had formerly been your occupation and that you had at one time kept a house of prostitution? A. I am doing dressmaking business; I sold my furniture, in Allen street.

Q. Did you go into this place on Broome street for the purpose of keeping a house of prostitution? A. Yes.

Q. Have you got that place there now? A. No; I have not got that place now.

Q. When did you go out of the business; either quietly keeping the house or intentionally? A. I was dispossessed about the 4th or 5th of March.

Q. By the landlord? A. Yes.

Q. For nonpayment of rent? A. Not having any rent.

Q. Now, having been convicted three times in this year and a half, how many times during that time were your women arrested? A. I could not tell you; I don't know; I could not say, how many times; you will see my books say —

Q. It was a dozen at least they were arrested? A. I don't know; I can not state; there was a dozen; I think there was more.

Q. There is a dozen you have told about here to-day? A. Yes.

Q. And were they not convicted of soliciting from the stoop of the house? A. What is that?

Q. Were they not convicted of soliciting from the stoop of the house? A. Not always; sometimes taken in the Bowery; sometimes in Second street.

Q. Were they sometimes — were your girls sometimes on the stoop soliciting? A. Yes.

Q. And sometimes on the street soliciting? A. Yes.

Q. And taken in by the officers in that way? A. Yes.

Q. Now, in addition to all that, the fact that you were arrested and convicted three times in a year and a half, the girls were arrested a dozen times at least, if not more; the police officers were put in front of your house to keep order? A. To keep the girls off the stoop; yes.

Q. To prevent disorderly practices going on there? A. Yes.

Q. And the police stood in front of your house for a fortnight at least? A. For 10 days.

Q. Now, during all that time, during the year and a half when you were arrested and convicted three times, and your girls were arrested 12 times, and when the police officers were put in front of your house to preserve order, to prevent disorderly practices, do you wish us to believe you were paying the police money? A. Yes.

Q. When was the first time you ever saw Captain Dougherty? A. The first time I ever saw Captain Dougherty was about a week before election of 1892, that is, to speak to him, and I very often seen him going along the avenue.

Q. You did know him by sight? A. Yes.

Q. The first time you ever had a conversation with him — A. Was in his private office.

Q. What time was that? A. It was before election; it was a little while before I was raided.

Q. I mean the time of the week or month? A. I could not state it exactly.

Q. Do you remember the time of the day? A. Yes; about 15 minutes to six.

Q. Fifteen minutes to 6? A. Yes.

Q. Did you go to the station-house alone? A. I went to the station-house alone.

Q. When you arrived at the station-house, was that your first visit? A. That was my first visit to see Captain Dougherty, yes.

Q. Was that your first visit to the station-house? A. Yes; but I could not see him then.

Q. Had you ever been to the station-house before? A. No; I was in the station-house before, when I was raided; I was there with the girls when Captain Dougherty raided me the 25th of October; I was in the station-house.

Q. You had been in the station-house when you were raided? A. Yes, and then I seen him in his office after that.

Q. Not at the time you were raided? A. Oh, no; after that.

Q. Then it was somewhere in 1892, November, that you went to the station-house? A. Yes; it was a little before election.

Q. When you got to the station-house whom did you see on this first visit that you went to see Captain Dougherty; when you did not see him? A. The sergeant was there.

Q. Who? A. I don't know the name of the sergeant.

Q. Was there anybody that you can tell the name of whom you saw on the first visit to Captain Dougherty? A. No; the sergeant was there.

Q. I say, is there anybody whose name you can tell? A. No.

Q. When was the occasion of your second visit to Captain Dougherty? A. The next day after.

Q. What? A. The next day after.

Q. And what time of the day was that? A. I went down there and the sergeant told me it would be a good time to meet him about 10 o'clock or a little after; I went down there and did not see him.

Q. Who was the sergeant that told you it would be a good time to meet him? A. I tell you I don't know the name of the sergeant.

Q. You say it was in the afternoon? A. It was the sergeant at the desk.

Q. Was it about 6 o'clock, the occasion of your next visit? A. No; 10 o'clock in the morning; a little after 10.

Q. That was the time you reached the station-house, was it? A. I don't know; I did not have —

Q. I mean to say about that time? A. I left my house at 10 o'clock and I went down there and the sergeant says the captain is not here, and I went there again.

Q. On the occasion of your second visit you did not see the captain there? A. No.

Q. Is there anybody whose name you can give, whom you did see on the occasion of the second visit? A. I can not give any names; no.

Q. There is no person of all the police officers on that force that you can give the name of on the occasion of your second visit? A. I did not see anyone.

Q. Now he said you must come in the evening? A. Then I see him.

Q. What time in the evening did you go? A. I went there a little before six.

Q. Who were in the station-house at that time? A. There was a sergeant there.

Q. Who? A. I do not know the name of the sergeant.

Q. Who else was in the station? A. But the men were all up in front of the desk; they were just leaving the station-house.

Q. The men all there? A. Yes, sir.

Q. Did you recognize any of the men you saw there on that occasion? A. I could not swear to the name; I certainly know the man.

Q. Tell us the name of any one officer or officers that you saw on the occasion of this third visit to the station-house? A. I can not be positive which one I could mark out that I could say for sure, I see them there; anyway they were all in front of the desk and were going out.

Q. You know a great many of the officers of that precinct, don't you? A. Yes, sir.

Q. You had testified here you knew Sergeants and patrolmen? A. Yes.

Q. And wardmen? A. Yes.

Q. Even the captain? A. I only know the name of one sergeant and that is Clark.

Q. Have you not given us the name of other sergeants? A. No, sir; I do not think I have; the name was read out of the letter-book; I said it was not always Liebers that was at the desk; there were other sergeants there.

Q. You have given the names of seven or eight patrolmen to whom you gave \$2 to? A. I can not state whether such men were there; their faces were familiar but when you are in a station-house you do not like to gap for anybody; I was sitting on a chair by the window and when the captain's door was open you could look in.

Q. Can't you tell the name of a single officer you saw there? A. I can not name one of them and be sure he was there.

Q. Can you give the date; can you give the day in November on the occasion of this third visit when you went to the station-house, you say, you had an interview with the captain? A. No; I can not give that date.

Q. Can you tell us what week in November it was? A. It was the week of the election; it was a few days before election.

Q. It was election week? A. It was election week.

Q. You mean the week which is prior to the election day? A. Before election day; yes.

Q. And fixing election day in your mind how long was it before election day? A. I told you I did not know; it was a few days before; I do not know how many days.

Q. Do you remember whether it was in the first part of the week or the last part of the week? A. I don't remember that.

Q. What? A. I don't remember that.

Q. You went there three consecutive days as I understand it, or two days in succession? A. I went there three times but it was only two days.

Q. Don't you recollect which of the two days of the week it was that you went there? A. No.

Q. Of whether it was the first or last part of the week? A. I could not tell you; no.

Q. Who took you into the captain? A. I took myself in.

Q. Did you walk right in? A. He opened the door and says, "Come in;" I went in; I was in the room alone with the captain; nobody took me into the captain.

Q. Do you mean to say that you went right up to the captain's door? A. No; I was sitting where the door opened; I could see he was in; he opened the door and says, "Come right in."

Q. Captain Doherty? A. Captain Doherty.

Q. He sent another officer to you to ask you what your business was? A. Oh, no.

Q. And you didn't ask any officer to tell the captain that you wanted to see him? A. I said to the sergeant, "I want to see the captain;" he said, "Sit right down there."

Q. And you didn't say to anybody, or have any conversation with anybody in that station-house, excepting the little you had with the sergeant? A. Only I said when I went in, "I want to see the captain."

Q. When the captain opened his door and invited you in? A. He said, "Come in," and, any way, beckoned me in.

Q. And you were alone with the captain in the room? A. I was alone.

Q. Was there any one present, who came in while you were alone with the captain? A. No; no one.

Q. How long did you remain in the room with the captain? A. I couldn't say; about 10 or 15 minutes; something like that.

Q. And you say you paid the captain while you were in the room alone with him, and no one else was present, the sum of \$25? A. Yes, sir; but not the first time; that was the 6th of January when I paid the \$25, and this was in November, shortly before he—

Q. Did you offer him any money the first time you were in there? A. I didn't offer him any money.

Q. What did you say to him the first time you were in there? A. I said I wanted to make arrangements with him, and I couldn't pay him a big sum of money, because I hadn't it, and he said he would send his man Mehan around to make arrangements with me, and it would be all right.

Q. You had been raided in October before that? A. Yes, sir.

Q. And you say that Captain Doherty stated that he would send his man around to see you? A. Yes, sir.

Q. To make arrangements with you? A. Yes, sir.

Q. And it would be all right? A. Yes, sir.

Q. And that he stated to you when the door was closed, in his private office? A. Yes, sir.

Q. When was the occasion of the next visit to see the captain?
A. The next visit?

Q. What? A. Well, let me think, so I can give it correctly; I don't think I went to see the captain then again, until I went in and told him about the bonds; that I wanted to take the girls out on bonds, the same as everybody else did around there.

Q. When was that? A. Shortly before he went to Europe.

Q. That is, you didn't see the captain again? A. Not in his room I mean; I saw the captain every day passing the house.

Q. I am speaking of the interview in the station-house? A. In the station-house before he went to Europe.

Q. The next time you ever saw the captain in the station-house before he went to Europe? A. Before he went to Europe?

Q. That was in April? A. Now, let me see; the very next visit — no; I went there, I think, once or twice before that.

Q. You went there on the 6th of January, didn't you? A. Yes; but I went there before that; well, I can not say for sure, whether I went there before the 6th of January or not.

Q. What is that? You don't know whether you went there before the 6th of January, or not? A. No; I don't think so; I hardly think I was there before the 6th of January.

Q. That is, you didn't see the captain? A. Didn't speak to him before that?

Q. Didn't speak to him again? A. No.

Q. Until the 6th of January? A. Until the 6th of January.

Q. In the meanwhile you had seen Mehan, hadn't you? A. I had seen Mehan; yes, sir.

Q. And gave him some money? A. Yes; I gave him \$25; yes, sir.

Q. And then were promptly raided again? You had seen Mehan and gave him money? A. Yes.

Q. And then were raided in November again? A. Why, Mehan wasn't there; when I was raided the second time Mallon was there.

Q. What? A. Mehan wasn't there the second time.

Q. What was the date of the second raid? A. The middle of November, you know the 6th of January, Mehan was put off and Hoch was put on.

Q. Did you ever hear Mehan had been transferred from that district about the middle of November? A. He was transferred the 6th of January.

Q. And Mehan was in the transaction during the second raid? A. No.

Q. The second raid was the middle of November? A. Yes, sir.

Q. And Mehan wasn't transferred until the 6th of January; he was in the transaction at the time of the second raid? A. Oh, no; he was not.

Q. Now you say you paid your second visit to the captain on the 6th day of January? A. I cannot say sure, whether I was in there before; I am trying to think; Mehan wasn't there on the 6th of January.

Q. I am not speaking about the transaction with Mehan; we will come down to that; I want to get your opinion on your alleged transactions with Captain Doherty? A. Yes, sir.

Q. Come down to the second interview you ever had with him at the station-house? A. Well, the second interview was before the raid.

Q. It was on what date? A. I cannot tell the date.

Q. Haven't you told Mr. Goff it was about the 6th of January? A. Yes, sir; but that was when he seen me down in the basement; he told me to come down to the house, the captain wanted to see me.

Q. I don't care when it was or how you got there; I don't care even for the exact date; but about the date of the second interview with the captain, is what I want to know? A. I went down there once or twice before.

Q. Take all the time to think about it, but get it as nearly right as you can? A. I was down to see the captain, and asked him how it was that my house was going to be closed up, and other houses were running; that is how it happened; I sent my husband to Roesch; that was, I think in the middle of the summer.

Q. Now, I have asked you, and if I haven't made myself clear, won't you please tell me so, as I want to make myself clear—I have asked you to tell me about the date of your second interview with Captain Doherty in the station-house; was it in the winter or summer? A. It was in the summer.

Q. It was in the summer? A. Yes, sir.

Q. And had you ever seen him at the station-house but this time, just before election in November, 1892, or the summer? A. No.

Q. That is true, isn't it? A. That is true.

Q. And that is as true as everything else you have sworn to? A. That is true.

Q. You didn't see him, and have not sworn you saw him on the 6th of January? A. The 6th of January, I think I saw him.

Q. In the station-house? A. In the station-house; but I seen him in the summer before that.

Q. Now, I will go over it again; the first time you ever saw him, according to your statement, was in October, 1892? A. Yes, sir.

Q. What was the next time? A. Did you see the man in 1892—take it that way—by yourself? A. No; Mehan came and got the money, and I didn't see the captain again in 1892; that is a fact, I didn't see him.

Q. That you swear to? A. Yes, sir.

Q. Now, did you see him in January, 1893? A. Yes.

Q. At the station? A. Yes, in January, 1893.

Q. Captain Doherty? A. Yes, Captain Doherty.

Q. What part of January? A. The sixth.

Q. How do you know it was the 6th? A. Because there was a man came and told me to come down to the station-house, the captain wants to see me.

Q. That happened once or twice, didn't it? A. It happened on the 6th of January.

Q. How do you recollect it was the 6th? A. Because it was somebody's birthday on that day.

Q. Whose birthday was it? A. Well, it was one of the girls that lived in the house.

Q. It was the birthday of one of the girls? A. Yes, sir; that is what I remember, it was the 6th.

Q. What was the girl's name, whose birthday it was? A. Lily Sanders.

Q. Were you celebrating it? A. No; I wasn't celebrating it.

Q. What time of day did you go down to see the captain on the occasion of the second visit? A. It wasn't any day, it was in the night.

Q. What time in the night? A. Between 8 and 9, because the man told me to be there between 8 and 9 o'clock.

Q. Had you been there before that day? A. Certainly; I had been there before that day; I was there when I made the arrangement before election time.

Q. Had you been to the station-house before that day? A. No; there was a man in the basement told me, and I went—and he told me to be there in the evening between 8 and 9 o'clock.

Q. Did you go alone? A. I went to the station-house alone; my husband went with me till the station-house, and he stayed in front of the station-house and I went in.

Q. And who did you see when you went into the station-house? A. I seen about four women and two men sitting there.

Q. And did you sit down? A. I sat down.

Q. Did you see any officers there? A. The sergeant was there.

Q. What sergeant? A. I don't know the name.

Q. Was it the same sergeant you had seen on the occasion of your previous visit? A. Well, you know the sergeants are often changed; when you go there one time, you won't see the same one again; and as my business was not with the sergeant, I just stepped up to the desk and said I was told to come here; he said, "You sit down, the captain is in his room; there's somebody with him;" and there was four women and two men waiting.

Q. Did you talk with anybody? A. No; nobody.

Q. Not a soul? A. Not a word.

Q. And did the captain open his door as before? A. The two men went in before me, and when the last man came out I managed to get the seat, and when the door opened I was the next one to go in.

Q. And then you were in with the captain alone? A. Yes, sir.

Q. And being in the room with the captain alone, no one else being present, and the door being closed, you say you gave him \$25, is that it? A. I asked if he sent for me.

Q. Did you give him \$25? A. I offered him money; he said he isn't supposed to take money; he gave me an envelope to put it in, and said, "Put down Hoch."

Q. That was the occasion, with the door shut, you said you gave him \$25? A. I said, "Did you send for me?"

Q. Can't you answer my question and tell me whether or not it was then you gave him the \$25? A. Yes.

Q. Was there anybody else present? A. No.

Q. Was the door closed? A. Yes.

Q. When did you see the captain again? A. In a month after.

Q. In a month after; at his office? A. In his office again.

Q. Did you give him any money on that occasion? A. Yes, sir.

Q. You gave the captain money again? A. Yes, sir.

Q. In what month was that? A. February.

Q. And what part of the month was it? A. It was the commencement of the month.

Q. It was in February? A. Well, it was the commencement of the month; it was just about the time I thought the money was due.

By Chairman Lexow:

Q. Between the 1st and 10th? A. Yes.

By Mr. Nicoll:

Q. And were you on that occasion alone in the room with the captain? A. Yes, sir.

Q. Was the door closed? A. Yes.

Q. And under those circumstances, did you say you gave the captain the \$25? A. I gave him the \$25 again.

Q. Can you recall the name of anybody you saw at the station-house on that occasion? A. Not the name; there were four women and two men there.

Q. I mean any officer? A. You mean the second time?

Q. I am speaking of February? A. I don't remember anybody but the sergeant at the desk.

Q. Didn't I hear you say something about this being about the time of the captain's trial? A. Yes, sir; I read in the papers next day that Mehan was changed and Hoch was the ward man; that was on the 6th — the 6th of January, I read it.

Q. I am not asking you about that: didn't you testify something in your examination about Captain Doherty's trial? A. Not in February; that was in January.

Q. It was in January? A. I think it was.

Q. He was tried before the commissioners of police, was he? A. Yes; I read it in the papers.

Q. You want us to believe, at the time he was tried for neglect of duty, before the commissioners of police, he was receiving \$25 from you in his private room? A. Yes; he received \$25 from me.

Q. What was the occasion of your next visit? A. The second visit, you mean, after January.

Chairman Lexow.—Are you speaking of the second or the third?

Mr. Nicoll.—We have had the first and have had January and February; the next visit after February.

A. The next visit was when Hoch came around; I don't know when he — Hoch said he wanted to close up the house, and I went with the captain and asked him how that was.

Q. When was that? A. That was the 3d of February.

Q. The second was the 6th of January? A. Yes.

Q. And the third was February? A. Yes.

Q. When was the next? A. In the middle of the summer, shortly before he went to Europe.

Q. Shortly before he went to Europe? A. Yes, sir.

Q. He went to Europe in April, didn't he? A. He did not; he went in the middle of the summer to Europe.

Q. Do you recollect what month he went to Europe? A. No; I do not know when he went to Europe; I know it was very warm weather.

Q. Is that as near as you can give the date of your fourth visit to the captain, that it was in warm weather, before he went to Europe? A. Yes, sir.

Q. Can you tell the month? A. No.

Q. Or the week? A. No, sir.

Q. Or the day? A. No.

Q. Was anyone with you on the occasion of this visit? A. No; I was alone.

Q. Did you see anyone at the station-house any officer whose name you can recall? A. No.

Q. No one? A. No; I can not recall any names.

Q. And were you in the captain's private room together? A. Yes.

Q. As before? A. Yes, sir.

Q. Was there anyone there present with you? A. No.

Q. Was the door closed? A. Yes.

Q. How much were you fined on the occasion of your last conviction? A. The last conviction; \$50.

Q. You knew it was customary to send the keepers of disorderly houses, when convicted three times, to the Island, didn't you? A. I didn't know anything; I took for granted what Mr. Sullivan told me was right; he told me was right; he told me he would clear me of it.

Q. You have been in business for five or six years, and you had seen keepers of disorderly houses convicted in this city?

Chairman Lexow.—Four years, she testified.

A. I didn't attend to anybody else's business but my own; I didn't know whether they were convicted or not.

Q. Do you mean to say you never knew of a case that kept a disorderly houses, going to the Island? A. Oh, yes; I knew of a case of that.

Q. Isn't it a fact; haven't you known that after two or three convictions a more severe penalty than the one of imprisonment has been usually imposed; that has been the custom in the court of Special Sessions? A. Well, I have not known any particular person that has had a severe punishment the second or third time.

Q. When did you first see Officer Bissert? A. I can not state the date.

Q. What? A. I can not state the date.

Q. I don't expect you to state it; tell me the year? A. No; I can not tell the year.

Q. You can not tell the year? A. No.

Q. Can you tell me within two years? A. Tell you within two years?

By Chairman Lexow:

Q. Of the time when you first knew him?

By Mr. Nicoll:

Q. Of the time when you first saw Officer Bissert? A. Well, he came into the house and I told him that—

By Chairman Lexow:

Q. The counsel is asking you the year when you first knew Bissert; don't give the conversation, but the time you first became acquainted with him? A. I can not.

By Mr. Nicoll:

Q. About the year; what year, say it is 1892 or 1893, or 1894 or 1891? A. No; it is about four years ago; a little less or maybe a little more; I don't know.

By Chairman Leow:

Q. About four years ago?

By Mr. Nicoll:

Q. Do you recollect the season of the year, when you saw him? A. In the summer.

Q. In the summer? A. In the summer.

Q. Did you then open your house of prostitution? A. No; I did not; I had let the rooms to people; some of them said they were married, and others said they were actors, and so on.

Q. I am not speaking of that; had you before opened the house of prostitution, in the sense of keeping the girls in the house? A. No; I don't think there was any at the time.

Q. Then, at the time you first saw Officer Bissert you were not keeping a house of prostitution? A. I didn't consider my house a house of prostitution, but I heard that the girls were doing business, and I was doing dressmaking at the time.

Q. You didn't regard your house as a house of prostitution? A. I didn't regard it, at that time, as a house of prostitution; I didn't think so.

Q. You were renting rooms to men, just to occupy them; transient people, or whoever chose to occupy them? A. People who wanted furnished rooms.

Q. What do you mean; wanted them for one or two hours?
A. For a week.

Q. They were renting the rooms for the week? A. Only by the week at that time.

Q. And you didn't consider, at that time, you were keeping a house of prostitution? A. I didn't.

Q. Was it at that time you saw Officer Bissert? A. I found out the girls—

Q. Was it at that time of your keeping the house that you first saw Officer Bissert? A. Yes, sir.

Q. That was the time—

Chairman Lexow.—Just answer the question, yes or no, when you can.

Q. Where did you first see him? A. In my house.

Q. Where? A. In the house.

Q. In the house 23 Second avenue? A. Twenty-three Second avenue.

Q. What time was it? A. I can not state exactly what time of day it was; Bissert sometimes used to come in the evening and sometimes in the afternoon.

By Senator Bradley:

Q. The first time?

By Mr. Nicoll:

Q. This was the first transaction, or the first one of your alleged transactions, with the police officer, wasn't it? A. Yes, sir.

Q. Now, didn't that make any impression on your mind sufficient to enable you to tell us what time of day it was? A. I think it was in the forenoon.

Q. In the forenoon? A. Yes, sir.

Q. Who was present at that time? A. I don't know.

Q. Tell me the name of any one who was present at the occasion of your first interview with Officer Bissert? A. I don't think there was anybody there; it was in the forenoon, and, at that time, I was living down in the basement, when I first met Bissert; I was living down in the basement of the house 23 Second avenue when I first seen Bissert.

Q. I don't care where you were living; what I want to know is the name of any one; if anyone was present? A. I do not think anyone was there.

Q. Nobody present? A. Nobody present.

Q. Is that the time, nobody being present, when you gave Officer Bissert the \$10? A. Yes, sir.

Q. And you hadn't then commenced to keep a house of prostitution? A. I intended to.

Q. But you hadn't commenced to do it? A. You see—

Q. You hadn't commenced to do it; answer that question?

Chairman Lexow.—Answer the question.

A. When I gave Bissert the first \$10?

Chairman Lexow.—Just answer the question, yes or no. A. I forget the question now.

Chairman Lexow.—Put your question again.

By Mr. Nicoll:

Q. What I want to know is whether or not, when you gave Bissert, according to your statement, ten dollars, you were keeping a house of prostitution? A. I didn't give it to Bissert the first time I saw him; I gave it to him about a month after.

Q. The first time you saw him you didn't give him any money? A. No.

Q. You had a conversation with him about it, you say? A. Yes.

Q. At which nobody was present except yourself? A. He said he would see me in a month.

Q. Did he see you again, do you say? A. Yes.

Q. Was any one present at this second interview? A. No.

Q. No, one? A. No one.

Q. Where did you hand him the money on that occasion? A. In the basement.

Q. In what? A. In the basement.

Q. Where in the basement? A. In the back basement.

Q. In the back basement? A. Yes, sir.

Q. And in the kitchen? A. Yes, sir; it was in the kitchen.

Q. It was in the kitchen? A. Yes.

Q. And no one was present there? A. No.

Q. None of the girls? A. No; it was the kitchen and dining-room both.

Q. Was any one present on any occasion when you gave Bissert any money? A. I can remember one time—

Q. How long did you pay Bissert, according to your statement? A. I think he was transferred.

Q. That was only a few months, wasn't it? A. No.

Q. Was that a year? A. No; I think it was more; I think it was until Doherty came there; I think it was—I don't know how long.

Q. Was any one present on any one of the occasions? A. There were girls at the dinner table, one time, and I had the money and handed it to him in the hall, in silver and bills

Q. That is what you have told us about here before, on your direct-examination; was there any mortal present at the time you handed it to him? A. No.

Q. Was there any one present? A. No, sir; it was in the kitchen and I was in the little hall, and the hall was dark.

Q. I want to know whether there is anybody who can support your testimony on that? A. No; there was nobody there.

Q. Now you commenced to keep this house along about the middle of summer of 1890, it is about four years ago? A. Yes, sir

Q. And then you paid Bissert, you say, from \$10 to \$20 a month for a year? A. I don't know how many it was; there was several times he came I didn't give him anything; I think it was longer than a year I knew Bissert.

Q. Now when did you first see Officer Mehan? A. Officer Mehan came in my house one time, and he——

Q. I don't care for the particulars of the interview? A. I cannot tell you exactly when I seen him.

Q. Can you tell me the year you first saw Officer Mehan? A. He came there during the summer of the first raid; during the summer; I was raided the first time in October, and during the summer he came there.

Q. You first saw Officer Mehan, according to your statement, in the summer of 1892? A. Yes.

Q. What months? A. I don't know.

Q. You don't recollect? A. No; I don't recollect.

Q. Where did you see him? A. In the basement of 23 Second avenue.

Q. What? A. In the basement of 23 Second avenue.

Q. Was anyone present? A. No.

Q. Did you hand him any money on that occasion? A. No.

Q. When was the next visit? A. When he came into the house and raided it.

Q. What? A. When he came into the house and raided it; that was the next visit.

Q. That is the next time you saw Meehan, after this first interview, in which anyone was present, and when he came in there and raided the house? A. Yes.

Q. And that was the date upon which you were convicted at Special Sessions and fined \$25 after pleading guilty? A. Yes.

Q. Had you been carrying on a house of prostitution all the time during that summer and during the time you were raided? A. I was letting the rooms during the week; yes.

Q. You had? A. Yes; and they were doing business; yes, sir.

Q. Now, when was the third time that you saw Meehan? A.

The third time I saw Meehan; in the Essex market, when he went—

Q. When you pleaded guilty? A. Yes.

Q. When was the next time you saw him? A. In Special Sessions.

Q. What? A. In Special Sessions; I seen him the next time in Special Sessions.

Q. When was the next? A. The next time was when I give him money; then shortly before election.

Q. What? A. Shortly before election; the next time then after I seen him in Special Sessions, I saw him shortly before election.

Q. Shortly before election? A. Yes, sir.

Q. That was the time you had been down to see the captain, wasn't it? A. No; then I hadn't seen the captain yet.

Q. Didn't you say you had seen the captain shortly before election? A. Yes.

Q. And was it after you saw the captain that you say Meehan came to see you? A. Yes; after I see the captain; after I saw the captain Meehan came to me.

Q. Was there anyone else present at the time you gave him this \$25? A. There might have; I don't know whether the doors were closed or open, but I gave him \$25 in the hall; I don't know whether anybody seen it or not; I can not say.

Q. Do you know the name of any person who saw you pay Meehan \$25? A. I will tell you, the girls that occupied the rooms, and maybe they might have seen it, but I can not say for sure they did see it; Mary Williams lived in the front room; I don't know who rented the back room at the time—Lillie Saunders lived in the back room; and I gave Meehan the money in the hall the first time, but I can not state whether they see it or not.

Q. Meehan was the man who served the warrant upon you and caused you to be arrested, wasn't he; he was the man that raided you? A. The captain himself raided; he was in the house.

Q. Captain Docharty himself? A. Yes.

Q. Meehan was the man who was in court in Special Sessions? A. Meehan went against me in Special Sessions, and in the Essex Market Court.

Q. You swear you paid him \$75? A. Twenty-five.

Q. Twenty-five in October, and 25 in November, and in December? A. We were raided in October.

Q. Didn't you pay Meehan, in October, \$25? A. In November I paid him the first after the election.

Q. Then you paid him only \$50? A. I paid him only \$50; that is all ever Meehan got from me.

Q. He was the man that attended to your case in Special Sessions, and the Essex Market Court, and Captain Docharty was the man who raided you himself? A. Barney Meehan went against me.

Q. Now, you are getting your revenge? A. No; I am not getting my revenge; you are taking your revenge out of me again.

Q. What did Captain Docharty say to you on the occasion of your second visit to him? A. The second visit to Captain Docharty?

By Chairman Lexow:

Q. The visit of January 8th? A. Well, he says to me—

By Senator Bradley:

Q. Speak up? A. He says he is supposed to close down all the houses, and for me not to let any strangers in, only old friends, and for me not to take any money myself, unless they might send around spies from the Central office, and have me raided from there.

By Mr. Nicoll:

Q. What did you do? A. I went home, and was very careful that I was not around so anybody seen me; I never took any money anyway; I had the rooms let by the week; I told Captain Docharty there was no danger, as the rooms were rented by the week; he said, so much the better then.

Q. Was that all he said on that occasion? A. I guess that is about all he said.

Q. Is that all you can recollect he said? A. That is all I can recollect now; I think that was all.

Q. That was all? A. He said I must be careful and not take the money, and then I says to him about the money.

Q. Is that all he said? A. I told you about the money.

Q. You told me twice now about it; I want to know whether that is all he said? A. I said I brought the money with me.

Q. That was something more? A. That was more.

Q. What else? A. He gave me an envelope, and gave me a pencil, and said, "Put down Hoch," and I put down Hoch, and put the name on the envelope, and it went back into the pigeon hole.

Q. Was that all? A. Yes; I guess that was all.

Q. What? A. That is all.

Q. Did you pay \$25 in the month of March, 1893? A. I paid \$25; yes; but not to Docharty, in person.

Q. To whom? A. I paid it to Hoch.

Q. Where? A. I paid it; the first money I paid Hoch was at the corner grocery on First street, under the shed there of Luhr's grocery store.

Q. Was anyone with you? A. No.

Q. You were alone? A. I was alone.

Q. Did you pay Hoch on other days? A. Yes.

Q. What? A. Yes.

Q. Well, now it was in March and February, 1893, that the police arrested your girls, wasn't it? A. Oh, they were arrested, some of my girls, every week.

Q. Not at the time you were paying for protection? A. Oh, yes.

By the Chairman:

Q. They were arrested out in the street? A. Out in the street.

By Mr. Nicoll:

Q. But they were your girls, that were arrested? A. They were not my girls; they didn't live in my house; I didn't always only take men; my girls are named there in that book.

Q. They were the girls who were in the habit of frequenting your place? A. Yes, sir.

Q. And during the time you were paying Hoch money, were your girls being arrested? A. Yes, sir.

Q. And were you bailing them out at the station-house? A. The first girls that I bailed out was when the captain was here; it was late in the summer; it was when the captain was here that I took out the first girls.

Q. Now you say—after you had paid Captain Doherty, according to your own statement, in January or February, and Hoch in March? A. And Hoch in March.

Q. Your girls were raided and arrested, and you yourself, was compelled to stop business? A. Yes.

Q. Notwithstanding you had paid in this money? A. I was arrested; they didn't count that; girls were arrested, and maybe the girls would be down at the station-house, and were not bailed out, and Hoch would be there for the money.

Q. You were paying for protection, weren't you, to be allowed to do business? A. Yes; and don't you think it was nice protection I got?

Q. Yes; you want us to believe at that, at the time you were paying for protection, you were compelled to go out of the busi-

ness; you were compelled to stop business? A. They expected me to, but I didn't do it.

Q. Did you stop of your own accord, or because business was dull, or what? A. I didn't stop of my own accord; Hoch said he would pull the house, and I couldn't let anybody do any business there, and I didn't stop, and I went down and spoke to the captain about it.

Q. When was that? A. I can not tell the date.

Q. What? A. I can not tell the date.

Q. Which one of your several visits to the captain was that? A. I remember that I went down, and Hoch said he would pull the house; I went down to see the captain about it, and he said, "It is on the avenue, and he can not stand that house, and it must be closed up."

Q. Which one of the visits was that; another visit to the captain? A. That is the visit to the captain.

Q. That is another one than you have told us? A. Yes; I can not tell how often I was down there.

Q. Was that the visit to the captain just before he went to Europe, that you are speaking of now? A. I can not say for sure, whether it was that visit or not; I can not say sure whether that was the visit or not.

Q. Was it the visit in February? A. No; oh, no.

Q. Haven't you just sworn here that you didn't see the captain between February and the time he went to Europe? A. I was down to the captain on this occasion.

Q. You recollect swearing to that a few moments ago; that you never saw the captain between February and some time which you finally concluded was in warm weather, before he went to Europe; don't you recollect swearing to that? A. When Hoch came and told me he would close the house, and the girls were arrested; that was in warm weather.

Q. This occasion when you went to see the captain in warm weather just before he went to Europe? A. I can not swear up to one visit, about going to the captain; I can not say I was just so many times; I can not swear to that.

Q. When was the date of your visit to Mr. Roesch? A. The date?

Q. About; of course I do not expect you to tell me the day of the month, but about? A. That was just around the time, when Hoch came and said he would raid the house, and the captain didn't intend to stand for it any more; then I went down to Roesch's office.

Q. Was that in the month of April, 1893, about? A. I don't know whether it was April; I don't think it was April; I think it was warm weather.

Q. How many months, according to your statement, did you pay Hoch; you say you paid the captain in January and February? A. Yes, sir.

Q. Twenty-five dollars? A. Yes; in January and February.

Q. How many months did you pay, Hoch? A. I paid him as often as he came.

Q. How many months; can you tell us that? A. Three or four times I think I paid Hoch.

Q. What? A. Three or four times.

Q. Three or four times? A. I think I paid him three or four times.

Q. And as a result of paying Hoch the money, you were obliged to stop business; was that it? A. He came and told me to stop business as the captain had got tired of standing for the ranch; yes, sir.

Q. And in the interval between that your girls were constantly being arrested and taken to the station-house? A. Yes, sir.

Q. Was anyone present on any occasion when you paid Hoch any money? A. One time there was; the grocer was not closed and he was standing a little further down, and the grocery man seen me handing him the parcel; the groceryman Luhrs seen me hand him the parcel.

Q. The groceryman named what? A. Luhrs.

Q. Where does he keep? A. Corner of Second avenue and First street; he is away now; he is not there any more.

Q. Where is he now? A. In Brooklyn.

Q. What is his name? A. John Luhrs.

Q. And you say Luhrs saw you pay Hoch money? A. Hand him the parcel; yes, sir.

Q. Did Luhrs speak to you about it afterwards? A. I will tell you how it happened.

Q. Did Luhrs speak to you about it afterwards? A. Yes, sir.

Q. And say he had seen you hand him the parcel? A. The only evening he seen it, he told me, yes; Mr. Luhrs spoke to Mr. Hoch himself that evening.

Q. What? A. Mr. Luhrs spoke to Mr. Hoch himself that evening.

Q. With that exception was there anybody else present on any occasion, when you say you paid Hoch money? A. One time when he came up to the flat, it was right after a policeman was taken away from the door; my husband was by when I gave Mr. Hoch the \$25 for the captain and \$5 for himself; that was in our flat; that was in the afternoon.

Q. Was that the flat 31 Second avenue? A. Thirty-one First street.

Q. You say your husband stood by and saw him paid the \$25?
 A. My husband and Mr. Hoch were in the front room, and I went back and counted out the money and gave it to Mr. Hoch, and my husband seen it.

Q. Now, you did business during the summer of 1893, when Captain Doherty was in Europe, didn't you? A. Yes, sir.

Q. And were you raided before his return? A. I was raided after his return.

Q. You were raided after he returned? A. Yes, sir.

Q. During his absence in Europe, you continued to run this house of prostitution? A. Yes, sir.

Q. And were you paying Hoch then? A. Yes, I paid Hoch shortly before the captain went away.

Q. And you paid him before he went? A. Before the captain went away, Hoch got the money from me.

Q. I asked you during the captain's absence if you paid it?
 A. I was paying it while the captain was absent, every month.

Q. You were raided again in 1893? A. Yes, sir; in November.

Q. And then Captain Cross raided you in January, 1894? A. Yes, sir.

Q. When was it the police officers were in front of your house?

A. Right after the captain came home; the captain was the one who stationed the first man in front of the house.

Q. As soon as the captain got home he placed an officer in front of your house? A. Yes.

Q. Now I understood you to say each time you went down to bail out a girl you paid five dollars to him? A. I put it on the shelf.

Q. To whom did you pay it? A. I put it on the shelf there; the sergeant sat at the desk.

Q. You mean openly on the shelf? A. There is a little shelf and I put it on there.

Q. Why did you put it down in your book that you were keeping that time, "five dollars to a fine?" A. Because I was cautioned not to let anybody know I was paying those bonds; the sergeant himself told me.

Q. What sergeant? A. Any one —

Q. What sergeant? A. I cannot tell his name; everybody I gave the money to told me the same thing; I don't know any one sergeant's name except Clark.

Q. Did he tell you that? A. He told me; he was sitting there one time; the first time I asked him to accept bonds he said he wouldn't accept any bonds and he finally accepted them anyway.

Q. Did he tell you — did Sergeant Clark tell you on any occasion not to put the word "bonds" in the book, but put the

word "fine?" A. He didn't tell me to put the words in, but not to let anybody know I was paying for the bonds.

Q. Is that in your handwriting in the book? A. The book is in my handwriting.

Q. All of it? A. All of it.

Q. Every word? A. Every word that is in it.

Q. Every word that is written? A. Yes, sir, is in my handwriting.

Q. When did you make these entries? A. I made those entries in the book when I came back from the station-house.

Q. You mean in 1893? A. I made these entries when I came back from the station-house.

Q. I say, in 1893? A. Whenever the girls were taken around, I went to the station-house and came back and made the entries.

Q. There are only a few there? A. That is when I made the entries.

Q. That was during the summer of 1893? A. Yes, sir.

Q. July and August, 1893? A. July and August?

Q. Eighteen hundred and ninety-three? A. It is November 9th.

Q. Very well, October and November? A. I don't think there was any in October.

Q. Was that the time you made the entry? A. Yes.

Chairman Lexow.—That only covers two days.

Senator O'Connor.—Two days and then the club bursted.

Mr. Nicoll.—August 5, 1893, and August 3, 1893.

Chairman Lexow.—Not in the book; February 10th and 11th.

By Mr. Nicoll:

Q. Where have you had this book ever since? A. I have had the book in the flat where I live.

Q. To whom did you give the book? A. To whom did I give the book?

Q. Yes; you didn't bring it to court here, did you? A. I wrapped it in paper, and gave it to my husband.

Q. Did he bring it here? A. He brought it here to-day.

Q. Now, during all the time in October, 1893—November, 1893, when you say you were paying Hoch money, was your girls being constantly arrested and fined? A. In October, I was raided, but—

Chairman Lexow.—I think we have had all that.

Mr. Nicoll.—The girls were arrested on the street, which was an additional source of income, by getting the bail bonds, and charging \$5 apiece for them.

By Mr. Nicoll:

Q. You were arrested in November, 1893; weren't you raided in October, 1893, or November, 1893; which was it? A. November.

Q. What? A. It was in November, I think.

Q. November, 1893? A. November, 1893.

Q. Didn't you change — didn't you promise the captain, or tell the captain, that you would give up running that house prior to November, 1893? A. I never promised that at all.

Q. Did he tell you that complaints had been made against you from other quarters? A. Oh, yes.

Q. In regard to your house? A. Yes.

Q. As one of the most disorderly houses in that precinct? A. Yes, sir; he said that.

Q. He told you that? A. Yes, sir.

Q. Didn't he tell you that your girls were constantly soliciting on the stoop, and the house must be closed up? A. Yes, sir; he said that.

Q. And didn't you, for the purpose of satisfying him, change the style of your house into the Cafe Excelsior? A. I did it on the captain's orders — to the Cafe Excelsior.

Q. You say the captain asked you to change it? A. Yes.

Q. And then they raided it immediately?

Mr. Goff.— Oh, no. There is no evidence of that.

Witness.— About four or six weeks after, I think.

Q. Four or six weeks after the captain told you to change the style of the house, he raided it? A. Yes; he did.

Q. Did I understand you to say that you paid Officer Levy? A. I gave —

Q. The sum of a hundred and ninety dollars? A. I gave Mr. Herschorn \$150 to give to Mr. Levy.

Q. And Mr. Herschorn told you he had paid it to Mr. Levy, didn't he? A. Mr. Levy told me that Herschorn gave it to him.

Q. Herschorn first told you? A. Herschorn told me first, and afterwards Levy told me.

Q. Who is Herschorn? A. The man who keeps the place, the liquor store, at the corner of Broome and Allen streets; he keeps the liquor store.

Q. And now, in addition to all that you have said, that they would pay the patrolman on the beat \$2 during all this time — each one of them \$2 — they were arresting your girls all the time? A. Yes.

Mr. Nicoll.— Is that all?

Chairman Lexow.— Any questions, Mr. Goff?

Mr. Goff.— Yes, one or two.

By Mr. Goff:

Q. Mrs. Thurow, do you remember one evening, sitting with your husband, seeing a great crowd in front of your house? A. Yes.

Q. What time was that? A. It may have been about 8 o'clock.

Q. How long ago? A. It was when the first policeman was stationed in front of my house.

Q. When the first policeman was stationed in front of your house? A. Yes.

Q. Did you see the policeman carrying a man who appeared to be helpless? A. Policeman Morris from First street—the precinct station in front of my house; all at once he ran from in front of my house, and went into First street, and they brought a man between the two, and he was groaning terribly, and they wanted to drop him in front of my house; they wanted to drop the man there; and my husband was sitting on the stoop with me, and said, "Now see here, Mr. Morris, I don't want that dying man in front of my house; you take him back to where he has been injured;" so Morris took him two houses further and dropped him at 27.

Q. Twenty-seven? A. Yes, sir, 27.

Q. They dropped him there in front of 27? A. In front of the stoop of 27 Second avenue.

Q. And he laid there how long? A. He laid there to my recollection about an hour or an hour and a half.

Q. On the sidewalk? A. Yes, sir.

Q. Did that man die, do you know? A. The ambulance came then and they had quite some fuss there with him, the crowd was so thick around them; one of them got up and said, "That man is dead;" but anyway the ambulance took him, and the next day I heard the man was dead; it was Monday at dinner time I heard the man was dead.

Q. Do you know anything about that man; did you know the cause of his death in one of the houses of ill-report on First street? A. I heard from the girl that said she was there, when he was kicked in the house; she told me that he was kicked; I see the man lying on the sidewalk, but I didn't see him injured.

Q. You know the girls? A. I know the girls; yes, sir.

Q. And they told you where he was kicked? A. They told me he was hurt and where he was kicked.

Q. And by whom was he kicked? A. And by whom was he kicked?

Q. And he was kicked in that portion of the body that are called his privates? A. Yes.

Q. Do you know if there has been arrests made in connection with that house? A. I never have heard of any thing about it at all; I never heard any more; I only heard my neighbors say, "Ain't it dreadful —"

Mr. Nicoll.—Now, I object to that.

Chairman Lexow.—That is excluded.

By Mr. Goff:

Q. Do you remember, Mrs. Thurow, when you were served with a subpoena in this case, did anyone see you after you were served with the subpoena? A. Nobody seen me.

Q. You were served on Saturday night, were you not? A. Nobody seen me.

Q. But your husband talked with you after you were served?

A. Yes, sir; my husband.

Mr. Goff.—I think that will do.

By Chairman Lexow:

Q. Did you ever remonstrate with the police on the ground that you were paying for protection, and still were not, from time to time, protected by them? A. I went down and talked with the captain about it, and he says, "The reason why he wanted that house done away with, it was the worst house in the neighborhood;" I says to him, "Captain, is there no worse house in the neighborhood; is there one charge against my house, down on a block where there has been any stealing, or any abusing a man, or kicking him, or half killing, or something like that; why is my house worse; what makes it the worst in the neighborhood;" he said, "Well, Mrs. Thurow, I have got to do away with your house in First street, and the days of the houses in First street are counted; they will all have to go, too," he says; he didn't give any direct answer when I said I considered my house the best of them all.

Q. What times — on the occasions you paid the captains, according to your statement, directly, \$25 on three occasions?

A. On two occasions.

Q. And yet, within a short time afterwards you were raided; didn't you remonstrate with the captain about being raided, or protest against being raided, in view of the fact that you had paid for protection, to be protected? A. I said, "This is a nice deal; I an home, always ready with my money;" and he said, "You don't hitch with the boss, and that settles it, and that is the reason."

Q. Was it because you were not paying enough? A. That is it; that was what Hoch said.

Q. Did they ask for more money? A. He wouldn't stand by that ranch for less than \$60, and I said I can not afford to pay it, because I keep a quiet house and things were not done in my house as they were in other houses around there.

By Senator O'Connor:-

Q. Every time they told you that they would have to close the house, they still took the money from you? A. They did still take the money from me.

Q. Did you stop the business of the house any time the police insisted on it? A. Well, if they refused to take the \$25 —

Q. Any time you came to the conclusion they really meant to stop it, would they refuse to take the money? A. I certainly would have stopped if they refused to take the money.

By Chairman Lexow:

Q. If the captain sent down word for you to stop, would you have stopped? A. I would have stopped if I didn't pay him the money before.

Q. It was only the payment of the money that led you to go on? A. Yes, sir.

By Senator Bradley:

Q. Have you any data so you can count up the sum total of what you paid for those purposes? A. I can; I could never figure out how much I gave Bissert, because sometimes I didn't pay him anything.

Q. Can you come near the total amount you paid for this purpose; we don't want it now, but can you do it when you get home? A. I can figure it out; yes, sir; I will figure it out.

By Senator Bradley:

Q. You can figure it out and guess at it? A. I can figure it out, and give the patroiman, too.

By Mr. Goff:

Q. Before you went to Senator Roesch's first, did you ever hear of Lim as a lawyer, before he went to his office? A. Well, I can not actually say; I think his brother is a lawyer; I know his brother is a lawyer.

Q. You know his brother is a lawyer? A. Yes.

Q. At the time you went to see Senator Roesch in his office, did you have any case in court, any law case? A. Nothing at all; only that my house was in trouble.

Q. Only that your house was in trouble with the police? A. Yes, sir; and I wanted him to settle it for me.

Chairman Lexow.—That is all, madam. Do you want to examine any more witnesses to-night.

Mr. Goff.—Yes, sir; we have got two very important witnesses. Here is Mr. Thurow. Mr. Thurow step up.

Ernst Thurow, called as a witness for the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—Now, Mr. Goff, come right down to the point.

Mr. Nicoll.—I would like to know what length this meeting will be.

Chairman Lexow.—I understand there are two witnesses, both of whom will take a short time to examine.

Mr. Nicoll.—May we say 8 o'clock?

Chairman Lexow.—We want to get through before that, o'clock.

Mr. Goff.—We hope we will get through before that.

Q. Now, Mr. Thurow, do you understand me? A. Oh, yes; little.

Q. You are the husband of the woman who has just left the witness chair? A. Yes.

Q. Now, after your wife was subpoenaed on last Saturday evening, did you see a police officer? A. No; Sunday morning.

Q. Sunday? A. No. Sunday evening; it was after 12 o'clock.

Q. Any time after your wife was subpoenaed? A. Yes.

Q. Do you know the police officer? A. Yes.

Q. What was his name? A. Morris—

Q. Murdock? A. Yes; Murdock.

Q. He is one of the policemen in your precinct? A. Yes.

Q. George Murdock? A. Yes, sir.

Q. What did he say to you? A. He told me. "Thurow, you have got a subpoena;" I said, "I don't know; I don't know that; my wife, she got a subpoena."

Q. You said your wife had got a subpoena? A. Yes; "Well, you got another one;" "I don't know about that."

Q. Well, did he say anything further to you; did he tell you that it was known at the station-house? A. What you mean?

By Senator Bradley:

Q. Did he tell you the policemen knew it at the station-house when you got the subpoena? A. Yes.

By Mr. Goff:

Q. Did he say anything to you about your wife should testify here before this committee? A. Yes; he told me my wife, she don't mention names on the police force.

Q. That your wife should not mention names on the police force? A. No.

Q. Did he say anything to you about the captain in that precinct going to be changed? A. Yes.

Q. Did he say anything to you about the wardman in that precinct being changed? A. Going to be changed, too.

Q. Did he say anything to you that after, when they were changed, that you could open up your house again; that your wife could open up her house? A. I think he told me we can open house then; I told him my wife would make never ever another house that way.

Q. Did he say anything to you that when this committee would get through that things would be better? A. Yes.

Q. What did he say? A. That he told me.

Q. He told you that?

By Chairman Lexow:

Q. Just what; what did he say? A. He said since the Lexow committee is gone the captain is changed and my wife then she can open her house.

Q. When the committee is gone and the captain is changed then your wife can open up another house; did he say anything to you that your wife should simply say she kept a house of bad repute, and say nothing more.

Senator Bradley.—He don't understand.

Senator Cantor.—Why wouldn't it be well to get an interpreter and ask what he does say.

By Chairman Lexow:

Q. Are you a German? A. Yes.

Chairman Lexow.—I can translate, but it would not be fair.

Mr. Goff.—You translate.

Chairman Lexow.—What is your question?

The Witness.—He said my wife should say nothing against the police; as soon as the committee has left the house would open, and they could open up the house again, and I answered we will never open a house again.

Senator Lexow.—I then acted as interpreter and the following questions and answers were given:

Q. Is that all that was said? A. That is all that was said.

By Mr. Goff:

Q. Now, Senator, please ask this witness if he belongs to the same club that Senator Roesch belongs to? A. Yes, I am.

Q. What is the name of the club? A. (Witness hands the chairman some tickets.) Tammany club of the Seventh district.

Q. Well, you are on the general committee of Tammany Hall for that district? A. I am on the list, but I can not do anything, because everything is done in English.

Q. Did you go to see Senator Roesch about the trouble your wife had in keeping her house? A. Yes, sir; that was the time we were struck; then my wife, she told me to belong to the club; "You go up to Mr. Roesch, in order to see whether he can do anything for us."

Q. Did you go to Senator Roesch? A. Yes, my wife and I.

Q. Did you go up to the club-house to see him before you saw your wife? A. (Interpreted.) I first went to Roesch and then I came back and told my wife that—

Q. After you told your wife did you and your wife go down to Mr. Roesch's office? A. (Interpreted.) He said to me, "I will see what I can do," I said, "Mr. Roesch how much must I pay?" he said \$150; then I didn't go immediately back and he sent a secretary and he told me to go over to the club-house, that Mr. Roesch wants to see me; that was at 23 Second avenue; then my wife gave me \$100, and I went over to the club-house and gave it to Roesch; he said he had a friend and I would have to see him at 12 o'clock that night and it would cost me \$50 more; I told him I didn't have anything more.

Q. Did you give him \$100 that your wife gave you to give him? A. (Interpreted.) Yes.

By Senator Lexow:

Q. Is that all occurred between you and Mr. Roesch? A. Yes, sir.

Q. When was it? A. (Interpreted.) It must have October or November, 1893.

Q. For what was the money paid? A. (Interpreted.) He said, "I will see that you can do business again;" we were stopped.

Q. Was it paid to Senator Roesch as a retaining fee as lawyer or for any other purpose? A. (Interpreted.) It was paid that we might open again; I wanted to see him again; I haven't been able to see him since.

By Mr. Goff:

Q. Did you say anything to Mr. Roesch about the time that your wife had trouble in going bail for the girls? A. (Interpreted.) He said, "If your girls are arrested again send for me and I will bail them out."

Q. You went with your wife down to Senator Roesch's office? A. Yes.

Q. Do you belong to any other club in the district? A. (Interpreted.) I am not a member of any other club in the district.

By Senator Lexow:

Q. Were you present when your wife paid money to Hoch, the ward man? A. (Interpreted.) Yes; I was present at one time when money was paid in the flat; other times I was not present; my wife always transacted that business herself; then on another occasion and at a corner grocery store, kept by Luhrs, I saw my wife put money into Hoch's hands.

By Mr. Goff:

Q. Did you see your wife pay money to policemen at any other time? A. Oh, yes.

Q. Just tell the committee when you saw her pay money to policemen at other time? A. (Interpreted.) I saw her twice in Hoch's case and once to the man who preceded Hoch.

By Senator Lexow:

Q. What was his name? A. Bissett.

By Mr. Goff:

Q. You did see your wife pay money to Bissett? A. (Interpreted.) Yes.

Q. More than once? A. (Interpreted.) I am certain about once, but I can not say about other times.

Q. Did you see your wife pay money at other times? A. (Interpreted.) Yes, sir; I went with my wife to the captain, but I didn't go inside.

By Senator Lexow:

Q. Did you go into the office, or into the building? A. (Interpreted.) No; I remained outside on the sidewalk.

Q. Did you see other people going in there who were in the same general line of business? A. (Interpreted.) I can not remember about those details; I didn't bother myself about their

business; I was away most of the time; I only went into the house when I went there for the purpose of meeting my wife; I did not attend to the matter myself at all; my wife gave my diamonds at one time to Hirschhorn for the purpose of pawning it.

Q. Do you know what the money was given for? A. (Interpreted.) I can not just say what the purpose of it was; my wife needed the money and she used my stud.

By Senator Bradley:

Q. You hooked the stud? A. (Interpreted.) No; I didn't.

Cross-examination by Mr. Nicoll:

Q. Do you know that your wife was keeping a house of prostitution? A. (Interpreted.) I knew that there were girls there, but just what they did there I do not know; I never was inside the rooms.

Q. Were you ever inside the house? A. Yes.

Q. Didn't you see the girls there? A. Yes.

Q. Didn't you know what they were there for? A. No.

Q. You didn't? A. No.

Q. What did you think they were there for? A. Well, I don't care.

Q. What did you suppose the women were in the house for? A. (Interpreted.) I didn't bother myself about what was being done there at all.

Q. I ask you again, didn't you know that your wife was keeping a house of prostitution for four years? A. Yes.

Q. And weren't you living from it; were you not living on the proceeds of the house of prostitution? A. (Interpreted.) Not always; whenever I got work in a bakery I lived on that.

Q. And, except when you were working, were you living out of the money derived from those women that your wife kept? A. Yes.

Q. You say you have been married to your wife 12 years? A. Twelve years.

Q. Have you done any work in all that time? A. What?

Q. Have you done any work in all that time? A. (Interpreted.) Yes; I worked for my father-in-law here in New York.

Q. When was that? A. Fourteen years ago.

Q. Is that the last work you ever did? A. No; we have got four years the house.

Q. House of what? A. (Interpreted.) Prostitution house.

Senator Cantor.—He says that for four years he had a house of prostitution.

Q. Did you have a house of prostitution before your wife had the house? A. No.

Senator O'Connor.—It is quite plain. This witness says that for four years they kept a house of prostitution, and they lived off the proceeds of it, except sometimes when he worked in a bakery.

Q. Where did you work in a bakery? A. (Interpreted.) On Third avenue, at Strasser's, and most of the time I helped out; I assisted right across the way, opposite 32, for a man by the name of Koehler.

Q. Where were you on the second occasion when you say you saw your wife pay money to Officer Hoch? A. (Interpreted.) At the corner of First street and Second avenue.

Q. What month was it in the year? A. I do not know.

Q. What year was it? A. I don't know; (interpreted); I never bothered myself about it, and I can not remember dates.

Q. Can you tell the day of the week or the week of the month or the month of the year or the year of the decade? A. (Interpreted.) What I can not state accurately I do not want to swear to, because I have sworn to tell the truth.

Q. Can you tell us the date of the second occasion when you say you saw your wife pay money to Officer Hoch? A. I can not.

Q. Can you come any nearer fixing that time than you did the other one?

Senator Lexow.—Your first question was about the second occasion.

Mr. Nicoll.—Then I mean the first occasion, now.

A. (Interpreted.) I think it is in October, but I can not say anything certain.

Q. October of what year? A. (Interpreted.) Don't ask me. (Balance of answer not interpreted.) I don't know that.

Q. Can you tell whether it was the year 1891, 1892 or 1893? A. (Interpreted.) Eighteen hundred and ninety-three.

Q. Was it in October, 1893? A. I do not know what month it is, but I know it was in 1893.

Q. That you know; is that all you can recollect about it, that it was in the year 1893? A. Yes, sir.

Q. That is all? A. Yes, sir.

Q. You can not tell either the week or the month or the day? A. No.

Q. Can you tell the year or the month or the week or the day when you say you saw your wife pay money to Bissert? A. No.

Q. Didn't you know that Senator Roesch was a lawyer? A. Yes.

Q. Weren't you and your wife in trouble in your business of running this house? A. (Interpreted.) When he could do me a favor then I went to him.

Q. Weren't you and your wife in trouble in the business of keeping a house of prostitution? A. (Interpreted.) Yes; we were in trouble, and that is the reason I went to him.

Q. You went to his law offices, didn't you? A. Yes, sir.

Q. You didn't go to his clubhouse first? A. (Interpreted.) I was first in his clubhouse, and then I told my wife; he said —

Q. He said, if you wanted to see him in business that you should go to see him at his law office? A. Yes, sir.

Q. You brought your wife down to his law office? A. Yes, sir.

Q. Didn't you engage him then for the purpose of helping you in trouble? A. No; I wanted him to do me a favor; that is why I belong to the club.

Q. You expected a lawyer to help you out without getting pay? (Witness answers in German.)

Q. Did you expect a lawyer to help you out of your difficulty without getting pay?

Senator Lexow.—I think we can draw these conclusions as well as the witness.

Mr. Nicoll.—Can you not ask him that? He is a very intelligent witness if you put the question to him.

A. (Interpreted.) No; I didn't consider that I engaged him as a lawyer.

Q. Yet you knew that he was a lawyer and went to his law office when you were in trouble? A. Yes.

Q. Have you been engaged in political fights up in that districts? A. (Interpreted.) I never took any interest in the politics up there in the district.

Q. Do you know anybody of the Steckler Association? A. (Interpreted.) I know the Steckler Association.

Q. Did you tell any member of the Steckler Association this story? A. No.

Q. To whom did you first tell it? A. What?

Q. To whom did you first tell this story that you are telling now, and when, about your relations with Senator Roesch? A. (Interpreted.) I spoke to my wife first about it.

Q. Well, except your wife? A. (Interpreted.) I spoke to nobody.

Q. You never told it to anybody except your wife? A. No.

By Senator Cantor:

Q. Are you a member of the Steckler Association now? A. No.

Q. Were you ever a member of it? A. (Interpreted.) I am not a member of the Steckler Association and never have been.

By Senator O'Connor:

Q. You are a Tammany Hall Democrat of good standing, are you not? A. (Interpreted.) I am nothing now, politically.
(The witness handed the committee a card.)

By Mr. Nicoll:

Q. Do you belong to the Independent County Organization? A. (Interpreted.) No; if I belonged to anything, I belong to Tammany Hall; that is the last that I paid to.

Mr. Goff.—We offer this card in evidence, color and all. It is as follows:

"The" Democratic Republican General Committee of the city and county of New York will meet at Tammany Hall, Friday evening, January 12, 1894, at 7.30 o'clock.

JAMES J. MARTIN,

John B. McGoldrick,

Chairman Executive Committee.

Joel O. Stevens,

John B. H. Meyers,

Secretaries.

Mr. Nicoll.—I see no objection to that. If the gentleman wants to give a nice political bias to the investigation.

Mr. Goff.—No political bias at all.

Mr. Nicoll.—Well, that helps us along.

Mr. Goff.—He is a Tammany man. I want to ask him one question which I do not think has been brought out clearly. Will you kindly ask him Senator, if Senator Roesch said anything to him when he received the \$100; that he needed \$50 more for someone that he had to see that night. When he paid Senator Roesch the \$100, ask him if Senator Roesch said anything to him about requiring \$50 more for someone he had to see that night.

The Witness. (Through interpreter.) Yes; that is what he said.

Katie Schubert, called as a witness on behalf of the committee, being duly sworn, testified as follows

Direct-examination by Mr. Goff:

Q. I hand you a little card; is that the card of your house? A. Yes.

Mr. Goff.—It reads: Mrs. Schubert, 144 Christie street, between Broome and Delancey, New York," and is in imitation of a postage stamp.

Q. Do you know Dr. DeFaulk? A. Yes, sir.

Q. He is your house physician? A. Yes, he used to be.

Q. These little health certificates were issued to the young ladies of your house? A. Yes, sir. (Papers were handed to the witness.)

Q. What is that name? (Referring to name on paper.) I am sure I cannot remember the name.

Q. That is "Mamie" anyway? A. It is some name.

Q. How long were you keeping the house at 14 Christie street?

A. For a little over two years.

Q. Were you ever pulled? A. No; never been pulled.

Q. Ever been pulled? A. No.

Q. Did policemen ever get into your house? A. Never.

Q. Never made any trouble for you at all? A. No, sir.

Q. Do you remember when Captain Devery left the precinct?

A. When he left I was not in business any more.

Q. Were you in business at any time when Captain Devery was there? A. Yes, sir.

Q. You knew his wardman, Glennon, did you not? A. Yes.

Q. Do you know when Captain Cross was in the precinct? A. Yes.

Q. You have not been able to get along^f as nicely with Captain Cross as you did with Captain Devery, have you? A. They were about the same to me, one as well as the other.

Q. When Captain Devery came into the precinct there was not any trouble for you at all? A. No.

Q. You didn't like Captain Cross as well as you liked Captain Devery, did you? A. They were all the same to me.

Q. Didn't Captain Cross make some trouble for you? A. He didn't make any trouble for me; not more than Devery; I had to give up money to him.

Q. You had to give up money to him? A. Certainly.

Q. To whom did you give the first money? A. The first money, I gave it to the captain himself.

Q. What captain? A. The Captains Cross, McLaughlin and Devery.

Q. This is the gentleman in the court-room here. (Indicating.) A. Yes, sir.

Q. You recognize him? A. Yes, sir.

Q. How much money did you give up to Captain Cross? A. \$500.

Q. Where did you pay the money? A. In my house.

Q. Did he go into the house for it? A. Yes, sir.

Q. What did he say? A. Just introduced himself, that he was the new captain and that he wanted \$500 and \$50 every month.

Q. Did he say anything about the initiatoin fee? A. Nothing at all.

Q. Nothing at all beyond that he was the new captain and wanted \$500? A. That is all.

Q. Had you the \$500 in the house? A. No; I didn't have it at the present time, but I got it a few days after.

Q. How did you get it? A. I borrowed it off a friend.

Q. Off friends? A. Yes, sir.

Q. Did you tell the captain (and I am speaking of Captain Cross now) when he first called, did you tell him to call again? A. Yes; I told him to call again.

Q. What did he say? A. He said he would when I thought that I would have it.

Q. When he thought you would have the money? A. I named a day and of course he called.

Q. He named the day, did he? A. Yes.

Q. And he called on the day he named? A. I named the day.

Q. When he called, just tell the Senator's what took place? A. Well, he just called in with his wardman.

Q. What wardman was it? A. Glennon, and went in the front parlor, and I gave him the money; that is all.

Q. What did he say? A. Nothing at all.

Q. Did you ask him for a receipt? A. No.

Q. How were the \$500 given to him? A. Well, there were dollar bills and five dollar bills, all kinds of money.

Q. But all bills? A. All bills.

Q. Had you it in a roll? A. Yes.

Q. Was there anything said when you gave him the \$500 about your being able to do business? A. Well, yes; he said I would be protected, to run along quiet and not make any disturbance, fighting, or any noise; just to run my business quietly.

Q. Are you clear about the wardman's name that was with Captain Cross? A. What was his name; Smith, wasn't it?

Q. Smith; you said Glennon before? A. I made a mistake.

Q. Glennon was Devery's man? A. Yes, sir.

Q. While Captain Cross was in the precinct did you pay \$50 a month? A. Yes, sir.

Q. Who collected that \$50 a month? A. Mr. Smith.

Q. Did he come around every month for it? A. He came to the house.

Q. Every month? A. Yes, sir.

Q. And you gave it to him? A. Yes, sir.

Q. And you had no trouble? A. No trouble.

Q. When Captain Cross went away Captain Devery came there, did he not? A. Yes.

Q. Did you have a visit from Captain Devery? A. The same kind of a visit; he came to the house and introduced himself as a new captain.

Q. What did he say about money? A. Well, \$500.

Q. Did you have the money then? A. I didn't have it then, either.

Q. What did you say to him? A. Well, I told him I will try and get it in a few days.

Q. Did you name the day for him to call for it? A. Yes; I named the day about four or five days after.

Q. Did Captain Devery call? A. Yes.

Q. Was there anyone with him? A. His ward man.

Q. What was his name? A. Mr. Glennon.

Q. Did you hand Captain Devery \$500? A. Yes, sir.

Q. In the same way that you handed it to Captain Cross? A. In the same way.

Q. Was there anything said about your doing business? A. Nothing at all.

Q. Anything said about your keeping quiet or anything of that kind? A. No; I didn't say anything.

Q. Was there anything said about monthly payments? A. Fifty dollars.

Q. Fifty dollars a month? A. Yes.

Q. Did the wardman, Glennon, call for the \$50? A. Every month.

Q. About the first? A. No; not exactly; sometimes the 3d, 4th, 5th.

Q. The early part of the month anyway? A. Yes.

Q. Called at your house? A. Yes, sir.

Q. And you handed him the \$50? A. Yes.

Q. And that was all? A. That was all.

Q. What other captain did you pay to? A. That was all the captains was on in my time, while I was in business.

Q. The only captains while you were in business? A. Yes.

Q. You were doing business before Captain Cross came into the precinct, weren't you? A. McLaughlin was there.

Q. Did you have an interview with Captain McLaughlin? A. The same thing.

Q. Did Captain McLaughlin demand money from you? A. Yes, sir.

Q. What did he say? A. Five hundred dollars.

Q. Was his wardman with him? A. Yes, sir.

Q. Do you remember his wardman's name? A. I think it was Burns, if I am not mistaken.

Q. What sort of a looking man was he? A. Short, stout, with a sandy moustache.

Q. You saw that wardman afterwards, did you not? A. Every month.

Q. Every month you saw him? A. Yes, sir.

Q. When you saw him did you give him money? A. Yes, sir.

Q. How much? A. Fifty dollars.

Q. Fifty dollars a month? A. Yes, sir.

Q. Can you tell the Senators about how much money you paid altogether to the captains and to the wardmen? A. Fifty dollars a month; well, I never stopped to figure it together, how much it amounted to.

Q. You paid three captains \$500 each? A. Yes, sir.

Q. Do you know how many months that you were keeping house, altogether, for which you had to pay \$50 a month? A. I kept house about two years and four months.

Q. About two years and four months? A. Yes.

Q. That would be \$1,400 at \$50 a month, and \$1,500, you paid in cash to the captains; that would be \$2,900? A. Yes, sir.

Q. Do you remember anything being said any time about getting up Christmas presents? A. No.

Q. There was no further demand made upon you for Christmas presents? A. No further demands.

Q. Were you visited by the patrolman on post? A. No.

Q. You had no further trouble? A. Never.

Q. The \$500 and \$50 a month cleared you from all trouble? A. Yes, sir.

Q. You were never pulled? A. No.

Q. And no girls arrested in your house? A. No, sir.

Q. How many girls did you have? A. Five, six, and sometimes seven.

Q. According as the requirements of your customers called for? A. Yes, sir.

Q. Do you know if there were many houses just like your own around that neighborhood? A. Yes; I suppose there was.

Q. Did you know of any? A. Not to speak to any of these people.

Q. You kept to yourself? A. I kept always to myself.

By Chairman Lexow:

Q. Was this money always paid in bills? A. Always in bills.

By Senator O'Connor:

Q. Did you ever draw any of it from the bank? A. I didn't have much of a bank account to keep.

Q. Did all the money that you could get in have to be given out in this way, practically? A. Yes; and when I didn't have it I borrowed it.

Q. Were you told that you would be pulled in case that you didn't pay this money? A. No; I was told that I would be protected in case I gave it up; I was not told that I would be pulled if I didn't.

Q. You were simply told that you would be protected if you gave it? A. Yes, sir.

By Mr. Goff:

Q. You stated that you were never raided by the police; you had trouble, however, with Dr. Parkhurst's society? A. Yes.

Q. But not by the police? A. Not by the police.

Q. By the way, do you remember getting the tip before the warrant was served upon you? A. Well, yes; I was tipped off by a friend of mine; it was not any of the police, though.

Q. You were tipped off from Essex Market Court? A. Yes, sir.

Q. It was there that the warrant was applied for? A. Not exactly; just to be careful; that is all.

Q. Be on the lookout? A. Yes.

Q. On that warrant you were arrested? A. Yes, sir.

Q. On the complaint of Dr. Parkhurst's Society? A. Yes, sir.

Q. were brought to court? A. Yes, sir.

Q. And you were tried? A. Yes, sir.

Q. And convicted? A. Yes, sir.

Q. How much were you fined? A. Two hundred and fifty dollars.

Q. Before what court, Special Sessions? A. Special Sessions.

Q. And that is the only time that you were ever in trouble? A. Yes.

Q. The time Dr. Parkhurst's Society arrested you? A. Yes, sir.

Q. Have you opened up since? A. No; I moved right out.

Q. You moved out right after that, did you? A. Yes, sir.

Q. You are not in that business now, are you? A. No; thank God; never will.

Cross-examination by Mr. Nicoll:

Q. Do you know any of the detectives of Dr. Parkhurst's Society? A. Not by name.

Q. Do you see any of them? A. There is one of them (indicating).

Q. Did you come to court with any one of them to-day? A. What is that?

Q. Did you come to court with any one of them to-day? A. Did I come to court; yes.

Q. With one of them? A. A tall gentleman up there.

Q. Dennett? A. Yes.

Q. He brought you to court to-day, did he? A. Yes, sir.

Q. Was he the first man to whom you told this story? A. Certainly.

Q. It was Dennett got it up? A. Yes.

Q. It was Dennett who got it from you, first man, was it? A. Got what from me?

Q. Got this story that you have been telling here to-day? A. He didn't ask me any questions.

Q. Didn't you tell him anything about it? A. No; I had nothing to say to him.

Q. Who was the first person to whom you told it? A. Just now.

Q. Never told it before? A. No; I had no occasion to tell it.

Q. Have never told it to Dennett or to any of the lawyers, or anybody in the world before? A. I had not seen any lawyers yet.

Q. And have never told it to anyone before? A. No; what occasion had I to tell it?

Q. That is not the question; that is a matter of argument; I only want to know whether you had ever told it? A. No.

Q. Had you ever told it to any human being before you were put on this witness stand? A. Do you mean to-day?

Q. To-day, or any other time? A. Well, I was speaking about it to the gentleman who brought me here, but not to tell it in particular as I told it now.

Q. You were speaking about it to Dennett; do you mean this man here? A. The gentleman over there.

Q. Well, you spoke to him about it to-day? A. Well, I didn't speak first; he asked me a few questions and I answered them.

Q. What did he say? A. Well, he asked me about what I was asked just now.

Q. When did he ask you that, to-day only? A. To-day, while we were sitting here.

Q. To-day while you were sitting in court? A. Yes.

Q. And until you came to court, you hadn't told this story to anybody? A. That is the only man I told it to.

Q. That is the only man you ever told it to? A. That is all.

Q. You never told it to him until to-day? A. No, sir; never had any time to tell him any other time; never seen the man before.

Q. Never saw him until to-day; and when you saw him to-day, you told him the story, and he is the first one you ever told it to? A. I saw him when he served the subpoena on me, but I didn't speak anything about it.

Q. Where are you living now? A. Well, I don't want that mentioned; I ain't going to tell that.

Senator Bradley.—He declines to answer that question.

Q. You don't want to say where you are living now? A. No, sir.

Q. What are you doing now? A. Nothing.

Mr. Goff.—I object.

Q. What are you doing now? A. Nothing.

Senator Bradley.—She has answered that freely enough.

The Witness.—Eating and drinking.

Senator Bradley.—She says she is eating and drinking.

Q. How long before you kept this house in Christie street had you been in the business of prostitution? A. That was my only place.

Q. What? A. That was the only house I kept.

Q. Had you not been living in some house before that, as well? A. No.

Q. You started right in the business? A. Yes; started right in.

Q. Started in new? A. Yes.

Q. And had never had any training before? A. No; I didn't need no training.

Q. Didn't need any? A. No; I was smart.

Q. You were there how long? A. A little over two years.

Q. How many girls lived in your house, all told? A. At times six, at times, seven.

Q. What was it, a \$1 or a \$2 house? A. Two dollars.

Q. Two dollars? A. Yes.

Q. Out of that \$2, how much came to you? A. Half.

Q. You got a dollar a girl? A. Yes.

Q. You had five or six girls living in the house, or seven, perhaps? A. At times.

Q. What rent did you pay? A. Eighty dollars.

Q. A month? A. Yes.

Q. Fed the girls? A. Certainly.

Q. Fed six or seven girls, paid \$80 a month rent, and supported yourself? A. Yes, sir.

Q. Did you keep any books or bank account or memoranda? A. Never.

Q. Now, you say that shortly after the arrival of Captain McLaughlin in the district, he came to your house? A. Yes.

Q. With his ward detective? A. Yes.

Q. And told you you must give him \$500? A. Yes, sir.

Q. You told him to come some day later? A. Yes.

Q. He came some day later with his ward detectives? A. Yes.

Q. You gave him the \$500? A. Yes, sir.

Q. He went away with his ward detective? A. Yes.

Q. And then you paid the ward detective \$50 a month? A. Certainly.

Q. And when McLaughlin left the district, then Captain Cross came with his ward detective? A. Yes, sir.

Q. And he said he was to have \$500? A. Yes, sir.

Q. And you said you couldn't pay it at once, but you would pay it three or four days later? A. Yes, sir.

Q. And he went away with his ward detective? A. Yes, sir.

Q. And he came back with his ward detective three or four days later? A. Yes, sir.

Q. And you paid him in small bills, all one or two dollar bills, \$500? A. Yes, sir.

Q. And then you paid the ward man \$50 a month? A. Yes, sir.

Q. Then, when Captain Devery came, he said \$500? A. Yes, sir.

Q. You said you couldn't pay it just then, and he went away, and he came back in a few days with his ward man? A. Yes, sir.

Q. And you paid him \$500 in small bills? A. Yes, sir.

Q. And he went away with his ward detective? A. Yes, sir.

Q. What was the month of the year in which Captain Cross came to call upon you with his ward detective? A. That I don't remember.

Q. Do you recollect the year? A. Two years ago.

Q. Were you alone with him and his ward detective? A. All alone.

Q. No one else was present? A. No, sir.

Q. Were you alone at the time you say you gave him the money; with him and his ward detective? A. Yes, sir.

Q. No one else was present? A. No, sir.

Q. Were you alone every time when you gave the detective, as you say, \$50? A. Every time.

Q. No one else was present? A. No, sir.

Q. Were you alone when you say you had these transactions with Captain Devery and his ward detective? A. Always alone.

Q. And when you paid, as you say, the ward detective sums of money, was that always alone? A. Always alone; yes.

Q. Have you got a witness or memorandum? A. I have got no witness.

Q. Or anything in the world to corroborate that? A. Nothing in the world; for I never told my business to nobody.

Q. Did anybody promise you any money for giving this testimony? A. No; not at all.

Q. What? A. No.

Q. Did anybody give you any money? A. No.

Q. Say anything to you about money? A. No; I wouldn't go to the trouble of coming here and giving false testimony for any money.

Mr. Goff.—Why, the appropriation bill was vetoed.

Mr. Nicoll.—The Mail and Express says that all the chairman has to do is to call on the Chamber of Commerce and get all the money he wants.

By Mr. Goff:

Q. Do you remember when you first paid money to the ward men that they asked you to meet them out on the street? A. They asked me and I said that I would rather have them call at the house for I didn't want to stand on any corners waiting for any police.

Q. Was there anything said by them that the men around who kept other houses met them outside and paid them money? A. No, sir.

Q. Or did you say that because you were a woman you wanted them to come to your house? A. No, sir.

Q. All you said was that you would rather have them come to your house? A. Yes, sir.

Q. Than go out on the street? A. Yes, sir.

By Senator Bradley:

Q. Are you a married woman? A. I was not at that time.

Q. Are you a married woman now? A. Yes, sir.

Q. Living with your husband now? A. Yes, sir.

Mr. Nicoll.—I hope you will allow me an opportunity to call Captain Cross to the witness stand to-day. He is here now present.

Mr. Goff.—Captain Cross was not called as a witness except to produce the records of the police court. If we allow every witness who is present here to be called we will unnecessarily be taking testimony out of order.

Senator Lexow.—I feel that this committee should be guarded largely by the suggestions of its own counsel, and while I understand that it may seem a hardship on Captain Cross, yet he will have every opportunity in the world to contradict or deny any

statements affecting him, and the public, I am satisfied, will suspend judgment on that subject until he is called. I think that the American people are prudent, patriotic and wise enough to suspend judgment in a matter of this kind until both sides are heard. After all, the real point is to appeal to the conscience of this committee. We are not trying this case for the public, we are trying this case for the purpose of getting a basis for legislative action.

Senator Cantor.—But the public are getting the benefit of it. If there is to be a denial it ought to go out with the story.

Mr. Goff.—If every story that is presented here is to be met with a denial we will have to be see-sawing all the time and there will be no such thing as a fair statement or denial of testimony.

Chairman Lexow.—The whole thing is with counsel. If counsel says that Captain Cross should be examined now we will hear his testimony.

Mr. Goff.—Captain Cross will have his day in court the same as other captains. If Captain Cross went on the stand to-night I would not cross-examine him because I am not prepared for it.

Chairman Lexow.—I think the public will suspend judgment until they hear all the testimony.

The committee adjourned to Tuesday, June 5, 1894, at 10:30 a. m.

Proceedings of the twentieth meeting of the committee, Tuesday, June 5, 1894:

Present.—Committee all present except Senator Pound. Counsel on both sides present, and in addition, Mr. R. S. Ransom in connection with Mr. Nicoll.

Mr. Nicoll.—I wish to announce to the committee, that inasmuch as the sessions of the committee are to be continuous, or during almost of the month of June, I am obliged to be absent in Albany, attending to my duties as a constitutional delegate on some days during the month, especially when the judiciary committee meets and I have the pleasure of associating with myself as counsel of the department, ex-Surrogate Ransom and I now introduce him to the committee, and bespeak for him the same courteous treatment that I have received at your hands.

William Willcocks, called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff: I

Q. You are a clergyman? A. Yes, sir.

Q. Your full name, please? A. My name is William Willcocks.

Q. Where do you reside? A. I reside at Plattekill, Ulster county, New York.

Q. You discharge the functions of your ministry there? A. Yes, sir.

Q. Do you remember an occasion of going through Vesey street some time ago, and seeing a policeman stand in front of a liquor store? A. Yes, sir.

Q. State as nearly as you can how long ago it is? A. My impression is it is within the last two months.

Q. Where were you going? A. I was going down to the Washington Market, I think it is called.

Q. You came in front of a liquor store; could you tell the committee what liquor store it was? A. All I can remember just now is that the liquor store was situated on the south side of the street between Greenwich and Washington streets; the name I can not just now remember, but I have a memorandum of the fact at home.

Q. At your home in Ulster county? A. Yes, sir, and as I reached this place, within about 50 feet of it, I should say, of the saloon, I noticed an officer standing before the saloon, having his right hand extended behind him, and as he stood there—

Q. Will you illustrate to the committee how you saw the officer standing with his hand behind him? A. He stood this way (the witness standing up and placing his hand behind him) and he had his right hand out in this way, and as he stood there the bartender came out, I learned afterward that he was the bartender, and he placed in his hand what I took to be—

By Mr. Nicoll:

Q. What is that—what do you say? A. From the distance that I was, what I took to be a bill, one or more bills and the officer closed his hand on it, and walked down the street in the direction of the street south, and then turned south and went to Washington Market, and the fact was of such an interesting nature to me that I followed the officer and learned his name, and came back after that to the same saloon where this officer stood, and learned the name of the bartender, and taking all of those facts into consideration, I thought it was an illustration of what I have seen agitated in the papers, as protection money; in substance, that is what—

Q. You made a memorandum of the names and the date and so forth? A. Yes, sir.

Q. And that memorandum is at your home in Plattekill, Ulster county? A. Yes, sir.

Q. Are you going to visit New York again in a short space of time? A. I expect to, within the next week or so.

Q. If you visit New York within a week, will you try and bring with you that memorandum? A. If it is your desire, I will do so.

Q. I think it is the desire of the committee; you will bring that memorandum with you that you made; did you ever see the officer before? A. No, sir.

Q. But you learned his name? A. Yes, sir.

Cross-examined by Mr. Nicoll:

Q. What was the month in which you saw this occurrence?
A. I would not like to say just now; I have forgotten, but it was within the last three months.

Q. Are you often in New York? A. Yes, sir.

Q. How often? A. I should say on an average once in every three weeks, at least.

Q. Have you church work here, that called you here? A. Yes, sir; I have.

Q. From what you have read in the newspapers, you had a notion, as a country clergyman, that everything in New York was corrupt, did you not? A. No, sir.

Q. Or that there was a general corruption among public officials and police officers? A. Yes, sir.

Q. And that is a belief which exists among countrymen, pretty generally? A. I would not like to say.

Q. So that when you saw a police officer standing near a saloon, your preconception, from reading the newspapers, at once suggested "Protection" in your mind? A. Not altogether.

Q. But it did in part? A. Yes, sir.

Q. Had you a notion that bribes were paid in broad daylight, on the highway, to public officers in this city? A. I never thought of that.

Q. This was in broad daylight, was it not? A. Yes, sir; it was daylight.

Q. And the officer stood on the highway? A. The officer stood on the sidewalk.

Q. That is the highway? A. Excuse me; I did not understand the term.

Q. He stood on the sidewalk, did he? A. Yes, sir.

Q. You think, in broad daylight, standing on the sidewalk, a saloon-keeper was bribing him? A. I would not say that.

Q. That is the impression that you got, was it not? A. I should say, in words, it was an illustration of bribery.

Q. An illustration of what? A. An illustration of bribery.

Q. You believe that he was being paid a bribe, do you? A. Yes, sir.

Q. And you took the pains to look up this record and find out his name? A. Yes, sir.

Q. And you arrived at that in part, from your preconception about New York things, from what you had read in the newspapers? A. In part.

Q. Do you know a single man on the police force; have you an acquaintance of a single officer on the police force? A. Yes, sir.

Q. Who? A. Sergeant Bird, of the Central office; I presume he is there now.

Q. Is that the only one you know out of the 4,000 men on the police force? A. Personally.

Q. And all your impressions in regard to them have been obtained from reading newspapers? A. Largely so.

Q. And what paper? A. Various papers; the Press.

Q. The Press and Tribune? A. And the World.

Q. The World and Tribune? A. Mail and Express.

Q. Well, that will be enough; you may stop now.

Mr. Goff.—Sergeant-at-Arms, you have Gideon Granger in charge; please bring him before the committee.

Gideon Granger appeared and took the witness stand.

Mr. Nicoll.—Mr. Chairman, will you listen to a request from Senator Roesch, in reference to the testimony that was offered yesterday?

Chairman Lexow.—We would like to extend to the judge, all the courtesies of this committee, but we established a precedent yesterday that if we should abuse or violate in one case, it might arise like the ghost of Banquo in others.

Mr. Roesch.—If the committee please, as a judicial officer in this city, and as a former colleague of members of this committee, I think, in common justice to myself, you ought to give me the opportunity of being heard in answer to such statements as were made yesterday, concerning me. I would not interfere with the regular order of business, except that—

Chairman Lexow.—We will hear you under oath.

Mr. Roesch.—I mean, under oath. I mean that you should hear me under oath.

Mr. Goff.—As I submitted to the committee yesterday that it would seriously interfere with the plans and the scope of the investigation, if every person whose name may be mentioned, during the course of your investigation, should be allowed to go on the stand, and either contradict or do whatever they thought proper—however, I regard this as an exceptional case,

considering that Senator Roesch was at one time an honored member of the Senate, of which committee is to-day, and also that he is a judicial officer, I should be very glad to see Senator Roesch avail himself of the opportunity of the witness chair, but we have matters of importance on hand to-day, which are pressing; I would, therefore, suggest to Senator Roesch and the committee—to-day is Tuesday—that the committee will fix Thursday morning to give way; I shall be delighted to accord, so far as I am concerned, with the consent of the committee, that privilege to Senator Roesch.

Mr. Roesch.—I earnestly protest against this request for this reason; I held court this morning until half-past 10, and then adjourned court to come down here. I adjourned court until 12 o'clock. If these statements concerning me are true, I ought not to be permitted to hold court at all. I want an opportunity to answer these statements. I do not wish litigants who come before me, when I am resting under any such alleged cloud as this. It is only in common justice to me that I ask this privilege, and I think Mr. Goff is right, when he says, that this is not in the usual course of the character of witnesses, who, perhaps, have thus far been assailed, because of the official position which I hold, and I would ask Mr. Goff that I be permitted to take the stand now.

Chairman Lexow.—You must understand that this is not a trial for the benefit of the public, or for the newspapers, but a hearing for the purpose of getting facts, upon which to base legislative action. Now, the public ought to suspend judgment with reference to anybody who is attacked here or condemned here, until those persons have had an opportunity to be heard.

Mr. Roesch.—The committee know very well that I am—

Senator Saxton.—You are here and have expressed your desire to testify; there is another witness here that Mr. Goff desires to examine at present, and I would suggest that you come to-morrow morning; we are anxious to permit you testify and while I do not believe that we ought to establish this precedent of permitting witnesses to break in, yet I believe every person whose character is attacked ought to be permitted to testify before we get through; but would it not do just as well to-morrow morning, under these circumstances, and the fact that you are here, desiring to so testify.

Mr. Roesch.—I think after the statement of the Senator that I agree with that.

Mr. Goff.—I would suggest Thursday morning instead of to-morrow morning.

Senator Saxton.— Would not to-morrow morning be agreeable to you?

Mr. Goff.— No; I have got matters out for to-morrow, and it is only waiting one day, 24 hours longer, and it had better be Thursday morning.

Mr. Roesch.— Then I ask that I be placed on the stand at about 11 o'clock Thursday morning.

Senator O'Connor.— This case is not to be a precedent.

Senator Saxton.— We do not want to establish a precedent.

Senator Cantor.— A precedent has already been established. Mr. Raines was called, and allowed to testify in his behalf.

Mr. Goff.— That was by special permission of counsel and the committee.

Chairman Lexow.— It is understood that Senator Roesch will appear on Thursday morning, and be examined at that time.

Gideon Granger resumed the stand, for further direct examination.

By Mr. Goff:

Q. You have already been sworn? A. Yes, sir.

Q. You remember the last day that you were on the stand here? A. Yes, sir.

Q. You came to court this morning in charge of the sergeant-at-arms of this committee, did you not? A. Yes, sir; with Mr. Burr.

Q. He is a deputy of Mr. Schram? A. Yes, sir.

Mr. Goff.— I wish, gentlemen, to read the following letter, which I have received from my friend, Mr. Nicoll.

“New York, May 30, 1894.

“Hon. John W. Goff:.

“Dear Sir.— In my previous communications, I have told you that I did not feel at liberty to advise that any proceedings, for any purpose, be taken against the witness, Granger, while he had any relation to the Senate Committee, as a witness.

“I now desire to make this suggestion. Assuming that he is out of the State, if the witness will return, and again take the stand, no complaint for any offense will be made against him while in the State, as a witness, by Mr. McClave. So far as Mr. McClave is concerned, he may safely come into the State, appear before the committee, be examined and cross-examined, and depart again without any molestation from my client.

“I have already said this in public and private, but I repeat the assurance now, in order that the witness may submit himself to the committee immediately, if in fact, which I can hardly

credit, fear of prosecution for past misdeeds has ever deterred him from returning.

"I have assumed in this letter, that the witness was without the State, but if he should still be in our jurisdiction, though hiding, my assurance remains the same. He may come and depart again to any spot he may come from, without apprehension.

"Hoping to see you on Thursday, I am,

"Very truly yours.

"DELANCY NICOLL"

Mr. Nicoll.—Will you not read the previous correspondence?

Mr. Goff.—I do not think that is necessary. Mr. Nicoll had previously written to me, suggesting that the superintendent of police be requested to take such steps as he could, and of course it was manifest that the superintendent of police could not take any steps, without some warrant of law. The superintendent of police did everything in his power, but he had no warrant of law to act. I will further state, in justice to Mr. McClave, who is absent to-day, to my very great regret, that I would have had Mr. Granger yesterday, the first day I could have had him, had I thought that Mr. McClave would have been here; I communicated with Mr. Nicoll, to know if he could be here yesterday, and Mr. Nicoll informed me, showing me a letter yesterday morning, that Mr. McClave was still too ill, and I also saw from the public newspapers, that he was ill, and I regret very much that he is not here, and the request that Mr. Granger has made, almost as a part of a condition of his return to the city, was that Mr. McClave should be in court. However the needs and necessities of the situation compel me to call Mr. Granger, or to have him here as early as possible, which is to-day.

Q. After you left the stand on Monday, when you testified, did you hear Mr. McClave say anything as you passed him? A. Yes, sir.

Q. State what you heard him say? A. He said he would have that scoundrel in State's prison; Mr. Nicoll also said the same thing.

Chairman Lexow.—Referring to you? A. Yes, sir; Mr. Nicoll pointed his finger at me.

By Mr. Goff:

Q. When you left the courtroom, were you accosted by any gentlemen of the press? A. Yes, sir; Mr. Latshaw, of the World, I believe.

Q. And other men? A. I do not know the gentlemen's names; I think there was a Mail and Express reporter, three or four of them; I know only Mr. Latshaw by name.

Q. There were three or four reporters? A. Yes, sir.
Q. Did they say anything to you? A. Yes, sir; they told me that they had heard what both Mr. Nicoll and Mr. McClave had said.

Q. About sending you to State's prison? A. Yes, sir; Mr. McClave hammered his hand on the table, and said, "By God, I will send that scoundrel to State's prison."

Q. Was there anything said about your being sent to State's prison as soon as this thing was over? A. Yes, sir; he said he understood now perfectly well that I was under the supervision of the State committee, but as soon as they got through with me I would not get far from the door before he would have me arrested.

By Mr. Ransom:

Q. Is that the information that you received from the reporters; is that what you mean? A. No; direct from Mr. McClave.

Q. You heard Mr. McClave say that? A. I did.

By Mr. Goff:

Q. After you had left the courthouse, did you notice any men following you? A. Well, there were quite a number following me, but I did not notice anybody specially until after I left the Elevated at the World office; I went over to take the Elevated at Park Place, and I turned around two or three times to see if anybody was following me, and I suspected two or three people that were walking down behind me, and I went into Keefe's saloon on Park Place, and I had been there about two minutes when these two or three people whom I had suspected came in after me, and that confirmed in my mind that I was being followed, and then I came out and took the Elevated railroad and went to 250 West Fifty-seventh street, my father's home.

Q. You had an engagement with me that night, had you not? A. Yes, sir.

Q. That engagement was at my house? A. Yes, sir; it was at your house.

Q. Did you keep that engagement? A. Yes, sir; your messenger called at my house for me about half-past 7, I think.

Q. How late did you stay in my house that night? A. Between 12 and half after.

Q. Do you remember the last words you said to me, when you left my house? A. Yes, sir; I said that I would be at your office between half-past 9 and 10 o'clock the next morning.

Q. Between 9 and 10 o'clock the next morning? A. Yes, sir; on Tuesday morning.

Q. After you left my house, where did you go? A. We came down from One Hundred and Fourth street to a new saloon there on the corner, and both your messenger and myself went in, I think; I know we got a drink, and as we were there Captain Murphy and two other gentlemen came in and stood at the end of the bar and looked at me, and then Captain Murphy took some cigars from his pocket and gave each one of these gentlemen a cigar, and I turned my back on them; I recognized them, but I did not say anything to the men who was with me; I then went out and took the Elevated and went into the waiting-room and waited there until the train came along, and then I got on the train and went down town as far as Fifty-ninth street, and there I got out.

Q. Did my messenger get out with you at that place? A. No, sir, he did not.

Q. He went on down? A. He went on down, yes, sir.

Q. When you got out at Fifty-ninth street, where did you go? A. I went into McGlynn's, at the corner of Fifty-ninth street and Ninth avenue; I went in more for the purpose of seeing if I was followed by these people, and I had not been in there more than five minutes, before I saw Captain Murphy and these two men come in; I waited there three or four minutes, and then came out and walked down to Fifty-seventh street, to 415 West Fifty-seventh street, my boarding place, and went in and locked the door; I did not see them going down Fifty-seventh street.

Q. You then retired, did you? A. Yes, sir; I didn't sleep much, though; I was all worked up, and nervous over what Mr. McClave and his counsel had said here in court; and then being followed from the World office, or from the courtroom, right up to my home, and then taken from your house, and followed right down back to the house again; I felt very much worried.

Q. You got up in the morning, did you? A. Yes, sir; I got up in the morning.

Q. Feeling pretty well broke up, were you? A. I was broken up; I got up about half-past 6 and walked up as far as Sixty-fifth street and Columbus avenue; when I came out of the house in the morning, I saw two people standing directly across in front of 414.

By Senator Bradley:

Q. What kind of people, men or women? A. They were men who were standing there.

By Mr. Goff:

Q. Did you have a talk with your mother that morning? A.

Yes, sir; I did; when I got back to the house; but these men followed me up as far as Sixty-fifth street, and I turned around and came down, and then I went to the Rutland and saw father and mother.

Q. Does your mother reside there? A. Yes, sir; at the Rutland; I saw them, and they were nervous; they had read in the papers the account of what Mr. McClave and Mr. Nicoll had said in court, and she was hysterical and did not know what to do, and I came out and went right over and took the train and went to Yonkers.

By Senator Bradley:

Q. Were the men you saw in the morning the same men who followed you up the night before? A. I could not tell you that.

Q. Was Captain Murphy with them? A. I think not.

Q. Was Captain Murphy with them when you left the World office? A. No, sir; different people; Captain Murphy I saw about half-past 11 the first time.

By Chairman Lexow:

Q. Was he one of the two the next morning that you saw?
A. No, sir.

By Mr. Goff:

Q. You say that your mother was hysterical; what did you do, and where did you go? A. I told her that she need not worry; that she need not be afraid; that I did not mind or care what Mr. McClave did to me, but I did for them; that I knew that he was a liar—

Mr. Nicoll.—Hold on, I object to this conversation.

Q. I do not care what you said about Mr. McClave to your mother; just state what you did and where you went? A. Well, mother got hysterical, and she did not want me to come down to testify; I then told her that I had promised Mr. Goff to come down, and she said, "If you have done that, you had better go," and when I went out she threw her arms around me and kissed me; and she said she didn't ever expect to see me again; I said, "Oh, yes, she would," and I went down stairs in the elevator, and went right over to Fifty-ninth street, and took the Elevated train to One Hundred and Fifty-fifth street, and there took the 10:10 train to Yonkers.

Q. And was it then, that you made up your mind, finally, not to come down? A. Not to come down, unless Mr. McClave would withdraw what he said.

Q. Tell the committee why you did not come to court that morning; you have stated the steps that you took; now, why

did you not come? A. I did not come to court because of the threats that he made, Mr. McClave and Mr. Nicoll, and I knew the power that a police commissioner has got, to use every bit of the department against anybody, to accomplish their own ends, and, in fact, he has boasted of that.

Q. Mr. McClave? A. Yes, sir; endless power; he has boasted of.

Q. What has he said in his boasting? A. He said police commissioners had more power than the president of the United States had; repeatedly said that.

Q. In other words, you became frightened? A. I was frightened; I should not have left, if I had not been.

Q. You remained away for several days, did you not? A. Two weeks ago this morning.

Q. Have you seen Mr. McClave since? A. No, sir; I have not.

Q. Did you authorize any person to see him? A. I have not.

Q. Did you make any propositions that you would stay away, if there was any money given to you? A. No, sir; never.

Q. Did you open up any negotiations with him whatever? A. Not in the least; I never authorized anybody to go and see him before me, or see anyone, or anybody connected with him.

Q. When did you leave this State? A. Two weeks ago to-morrow.

Q. On Wednesday? A. Yes, sir.

Q. And have you been in New York State since two weeks ago to-morrow, until this morning? A. No, sir; I have not.

Q. You have never put foot upon New York State soil until this morning? A. No, sir; I have not.

Q. And you came out of another State this morning? A. I did.

Q. In charge of the sergeant-at-arms of this committee, did you? A. Yes, sir.

Q. You opened up communication with me, did you not? A. I did.

Q. On your own motion? A. Yes, sir.

Q. And then you did not disclose to me the place where you were stopping? A. No, sir.

Q. But I communicated with you? A. Yes, sir.

Q. And at your request I have seen you? A. Yes, sir.

Q. And I have told you about the letter that I have read from Mr. Nicoll this morning? A. Yes, sir; you did.

Q. And also about the protection that the law would confer upon you? A. Yes, sir.

Q. And told you to come here as a witness? A. Yes, sir.

Q. And at my urgent request and at your own desire, you have come here? A. Yes, sir.

Q. What business were you engaged in when you married

Mr. McClave's daughter? A. Produce commissioner merchant, at 145 West street.

Q. On your own account— A. Yes, sir.

Q. Or in anyone's employ? A. No; on my own account.

Q. You had been a suitor for Miss McClave's hand for many months before? A. Two or three years; I think I know them before they were married.

Q. When were you married, what date? A. We were married by Dr. Saunders, on December 31, 1887.

Q. Mr. McClave testified here in answer to his counsel, Mr. Nicoll, "A. Yes; I remember it; on the very day he was married.

Q. What was that transaction? A. He came to me at police headquarters, on the day that he was married; he had in his hands some bills of lading, and he said that, very unexpectedly, certain drafts had been drawn upon him, and he found that he was a little short in his bank account, and in view of the fact that he was going off on his wedding trip that night, to be gone 10 or 12 days, he asked me if I would not lend him \$500 on his note for 20 days, indorsed by Mr. Judd, the gentleman he was with." Do you remember that conversation? A. Yes, sir; it is not true.

Q. Will you state what the transaction was? A. I think it was on or about the 20th of December, it was right before Christmas, when we had to have some money, Mr. Judd and myself, to pay some drafts that were drawn against us by E. Aldrich, of Quincy, Michigan, and I went to Mr. McClave and asked him if he could loan us any money; he asked me how much, and I told him, and he said yes, he could on note, and I said, "All right, do you want an indorser," and he said, "Yes," and I gave him a note for \$500, with Mr. Judd's indorsement on the back of it, and Mr. Judd made the indorsement.

Q. There has been a suggestion here, if not a direct statement, at least a charge by counsel, that the indorsement by Mr. Judd on the back of that note was a forgery; is that true? A. It is not.

Q. Did you see Mr. Judd write his indorsement on the back of that note? A. I did see him write it.

Q. Mr. McClave says that there were \$200 paid on that note, and that no other portion of the note has been paid; will you explain that transaction? A. The note has been paid in full; we paid \$200 in cash, and we hold his receipt for the balance of the \$300, which was turned over to his daughter, gave to her; he said I could give it to her.

Q. To your wife? A. Yes, sir; and we hold her receipt for that.

Q. Was there ever a demand made upon you or upon Mr. Judd

for payment on that note, after you got the receipt? A. No, sir; there could not have been, because it was paid.

Q. As to the money being given to you on your wedding day, on the day that you went on your wedding trip, with that money, it has been stated and suggested here, that you obtained the money from your prospective father-in-law on a forged note, for the purpose of paying your wedding expenses; is that true? A. No, sir; it is an unmitigated lie; it is not surprising though to me that he should say it.

Q. Never mind that; you did go on a wedding trip, did you? A. Yes, sir, we did; not on forged notes, though.

Q. Mr. McClave stated that the note was dated back some eight or 10 days before your marriage; is that true? A. No, sir; the note bears the date of the day that we got the money, and his checks would show the date that he gave the money.

Q. His checks have all been burned? A. That is what he says. Mr. Goff.—Have you got that note, Mr. Nicoll?

Mr. Nicoll produced note.

By Chairman Lexow:

Q. You stated a moment ago that, "He says," referring to the burning of the checks; do you mean to dispute that statement?

A. Well, I do not dispute it, for I have no grounds to dispute it on.

Mr. Goff.—We will come to that later, Mr. Chairman.

Q. I hand you this note in question; that note bears what date?

A. December 19th, 1887.

Q. And that was the day on which the money was obtained?

A. Yes, sir.

Q. Look at the back of that note; is that Mr. Judd's handwriting? A. That is Mr. Judd's own indorsement; his own signature.

Q. And the money that you received on that note went in to meet your business engagements? A. Yes, sir; it was all paid out, the minute that we had it, for those drafts that were in the bank; they were held until 3 o'clock for us, some \$700; I think the draft was for this one particular draft.

Q. Mr. McClave testified here, that you admitted to him, that you forged that endorsement; is that true? A. No, sir; it is not.

Q. Did you ever admit to him anything wrong at all, about that endorsement? A. No, sir; I never did.
is not.

By Chairman Lexow:

Q. Does Mr. Judd claim that this endorsement is a forgery? A. I do not think that he does.

Senator Saxton.—Where does this note come from?

Mr. Goff.—It comes from Mr. McClave's possession. It was in his possession.

Mr. Nicoll.—Mr. Judd was in court here, and I offered to put him on the stand.

Mr. Goff.—I do not know that you offered to put him on the stand, but you offered to state what he said, and I objected to your stating what he said, unless he is put on the stand.

Senator O'Connor.—Ask him why Mr. McClave did not surrender this note at the time that the witness claimed a receipt was given for the money.

Q. Why did not Mr. McClave surrender the note, when the money was paid, as you claim? A. He said he would destroy the note, or that he had given it to my wife at the time; I supposed she had it; I did not know that the note was in existence, until it came up in the paper; I supposed it had been destroyed.

By Senator Saxton:

Q. You say that he gave this note to your wife? A. That is what he said; he gave the balance of the note, \$300, that was not paid on this note to my wife.

Q. Then do you say your wife receipted for that \$300 to you? A. Yes, sir; we hold her receipt for it.

Q. You have not the receipt, have you? A. No; Mr. Judd has it in his office at 92 Park Place.

By Senator Cantor:

Q. It can be obtained, can it? A. I think so.

By Chairman Lexow:

Q. In whose handwriting is the body of that note? A. In the handwriting of our bookkeeper, Mr. W. P. Dixon.

Q. Do you know Mr. Judd's signature? A. Yes, sir; that is his.

Q. Have you got any other of Mr. Judd's signatures? A. No, sir; I have not; but I can easily get them.

Q. Was this note written out and signed, in the presence of the bookkeeper? A. Yes, sir; that is my signature on the note.

By Senator O'Connor:

Q. Did Mr. Judd endorse it in the presence of the bookkeeper? A. Yes, sir.

Q. What is the bookkeeper's name? A. W. P. Dixon.

Q. Do you know where he is? A. I think he is with Harrington & Company, at the foot of Sixtieth street and North river.

By Mr. Goff:

Q. About your expenses for your wedding trip; who paid those expenses? A. I did.

Q. Out of your own pocket? A. Yes, sir.

Q. And your own money? A. My own money, that I made.

By Senator Bradley:

Q. Money that you earned? A. Yes, sir; money that I earned.

By Mr Goff:

Q. Is Mr. McClave's statement, that he paid your expenses, for your wedding trip, true or false? A. Not a word of truth in it; not the least shadow of it.

Q. You have in your previous testimony testified about the appointment of Cooper from that place in New Jersey? A. Whitehouse, New Jersey.

Q. We do not want to go over that ground again; that testimony is on record; how long did you remain in the produce business? A. Until October, 1889.

Q. That was nearly two years after your marriage, was it? A. Yes, sir.

Q. You lived with Mr. McClave? A. Yes, sir.

Q. A member of his household? A. Yes, sir.

Q. Why did you not keep house for yourself after your marriage? A. Both Mr. and Mrs. McClave did not want my wife to leave the house; she did all the housework there; she was the housekeeper; had the hiring and discharging of the help, and took general charge of the house; Mrs. McClave had told her that she wanted her to do it, she being the eldest daughter at that time, and that is why we stayed.

Q. Did you make any request to go housekeeping or express any desire? A. Yes, sir; I have asked my wife to go housekeeping; I wanted to go, and once I even went so far as to pay a deposit for a flat, and the next day I went back and got the deposit back again.

Q. And the reason that you stayed is, because her parents did not want her to leave? A. Yes, sir; every time that we talked about going housekeeping, Mrs. McClave and Mr. McClave both objected to it.

Q. During the two years, or almost two years, from the time you were married, until you left the produce business, did you pay anything toward your board, or support, in that house? A. I hardly think that I paid any board; I gave my wife \$10 a week for herself, for spending money, and whenever she wanted

anything that her father and mother did not give her I would always give her the money for it.

Q. Were you ever asked for any board? A. No, sir; I offered it once, and Mrs. McClave said, "No; to give it to my wife for herself."

Q. After you left the produce business, what business did you enter? A. The post-office.

Q. Mr. McClave has testified that you went into the money order department? A. I did not; never in it.

Q. He recommended you? A. Yes, sir.

Q. Was it in the general post-office? A. No, sir; it was the stamp clerk in P. O. Station F, on Third avenue, between Twenty-ninth and Twenty-eighth streets.

Q. Who is the superintendent or officer in charge? A. A. M. Dickenson.

Q. Before you went to the post-office—I will refer to Mr. McClave's testimony here; he says; the question is by Mr. Nicol, "How long was it after he had married your daughter before you discovered what manner of man he was; that you subsequently found him out to be? A. Well, about a month, I should think, after their marriage, my daughter had received at the time of her marriage, a very large number of gifts in the way of silverware, and one thing and another, quite valuable; she had placed them in trunks and taken them down and put them in the Garfield Safe Deposit Vaults, Twenty-third street and Sixth avenue; after they had been there for some time, she went down one day for the purpose of getting something out of them, and when she got there, she found the trunk was gone; she came and told me about it, and I went there, and found that Granger had signed a receipt for them, and taken them away; when he came home that night, I questioned him about it; he told me he had taken them down to Simpson's pawn shop and pawned them for \$600; I gave him the money to go down and get them, and put them back, and they are now in the Garfield Safe Deposit Vault;" is that true? A. No, sir.

Q. Is any part of it true? A. No, sir—well, the part is true, in connection with taking them out from the Garfield Safe Deposit vaults; I did that, but my wife knew of it at the time, and I took them, and I told her I took them; I took them and put them in our own bank, which was the North River Bank, at the corner of Dey and Greenwich street; Mr. Judd's account was there, and put them in the safe deposit vault down there, and, on that receipt, I raised \$500 on them to pay for a western trip, traveling for poultry; how it was that Mr. McClave in that, speaks about my wife going down to get some silver; it was

not that; Mrs. McClave was giving a tea party one night, and she wanted to get some silver, and without asking my wife, she went down to get some silver.

Q. To the North River Bank? A. No, to the Garfield Safe Deposit Vaults, and that is how Mr. McClave knew of it; my wife knew all about it; that did not happen until the October after I was married.

Q. He said that you pawned them in Simpson's pawn shop; is that true? A. Not the least bit of it; nothing about it at all.

Q. Did you ever pawn an article given to your wife upon your marriage or any of the wedding presents in Simpson's pawn-shop or any other pawn-shop? A. No, sir; I never did.

Q. You say you did raise the money on the receipt to pay for a western trip? A. I did, in a perfectly legitimate way.

Q. What was that western trip? A. I was going out drumming up the calf and poultry trade, dressed veal, out through the west, and I went as far as Illinois.

Q. And you say you did that with your wife's knowledge? A. Yes, sir.

Q. Speaking about these wedding presents, your wife did receive a large number of wedding presents, did she? A. A great number of them; yes, sir.

Q. Do you know what proportion of them came from members of the police department? A. The biggest majority of them, that is, that came from her people.

Q. I mean from officials in the police department? A. Yes, sir. The majority of them came from city officials in the police department.

Q. We now come back to the post-office; you went in there; what was your salary? A. Nine hundred dollars when I first started; I left the produce business because the odor from the calves and poultry that would impregnate my clothing was so distasteful to the McClaves, that he wanted me to go out of the business; he said that he would get me a position in the post-office, or at the custom house, if I would leave the produce business, and that was the reason I left, because the odor of the veal and so forth was not agreeable to them.

Q. That was the reason then, that you left? A. Yes, sir; distasteful to the house.

Q. Had you the handling of any money in the post-office? A. Nothing, only stamp money.

Q. Mr. McClave says in his testimony, speaking of this post-office appointment, that he was appointed to a position in the post-office on Third avenue, and placed in charge of what is known as the money-order branch; is that true? A. No, sir.

Q. He says, "According to his own testimony, his own confession, signed over his own signature, after he had been in the post-office for four or five weeks, it was discovered he had stolen several hundred dollars. According to his own confession, he commenced to break open the mail within 20 minutes after he had been put into the office, and stole \$20 the first day; and the inspector of the post-office finally discovered it, and the only reason why they could not convict him was because they could not do it upon his own confession, there being no other testimony against him." Is that true? A. No, sir.

Q. Is any part of it true? A. No, sir; not the least bit in the world.

Q. Were you ever brought before any post-office official to answer for any defalcation? A. No, sir.

Q. Was there ever a charge made against you of opening a money-order letter, or a letter containing a money-order? A. No, sir; there was no direct charge; there was talk of it around election time that fall.

Q. Had you the handling of letters containing money orders? A. No, sir; not the least bit.

Senator O'Connor.—In connection with the statement of Mr. McClave, as the only reason why he was not persecuted, because there was no corroborative evidence; I would ask if there is anything in the United States law to that effect?

Mr. Goff.—Nothing whatever; he could be convicted on his own confession.

Mr. Nicoll.—Do you have any doubt about the fact that he made this confession that he opened registered letter or letters having money orders—

Mr. Goff.—It is a question of doubt.

Mr. Nicoll.—I think in view of the fact that I have guaranteed a safe convoy of this witness while in the State, and that he is here without danger from any source, the committee ought to be careful not to permit him to flood the record with perjury.

M. Goff.—That remark is unjust and improper before this committee.

Chairman Lexow.—We can not assume that it is perjury.

Mr. Goff.—Does the record or the demeanor of Mr. McClave indicate that he is perfectly free from perjury?

Chairman Lexow.—Neither counsel should sum up now; we will take the testimony as it is offered.

Mr. Goff.—I have not cast a reflection by one word upon the testimony of Mr. McClave in this case.

Senator Saxton.—These are matters that Mr. McClave testified to and you are now calling the witnesses's attention to them.

Mr. Goff.— Yes.

Senator O'Connor.— I asked a question that any lawyer might ask, if it required corroboration, under the United States laws, where there was a confession, to convict, which of course, it did not.

Q. He says here that you signed a written confession, over your own signature, that you opened a letter and stole a post-office money-order for twenty dollars out of that letter; is that true? A. No, sir; if I did, where is the confession?

Q. Yes, where is the writing? A. Where is the writing?

Chariman Lexow.— You say it is not true? A. Not the least bit of it.

By Mr. Goff:

Q. There was some transaction in connection with the stamps in that department, about which there was some trouble? A. Yes, sir—no, there was no trouble; there was trouble made at the time, but there was no trouble in the post-office about it.

Q. You resigned your position, did you not? A. Yes, sir; I resigned my position.

Q. And you resigned it at the request or advice of—Mr. McClave?

Q. Did you ever hear of Mr. McClave or any other person at that time say that any criminal charge was about to be brought against you, or threatened to be made against you? A. No, sir.

Q. State what the trouble was, if trouble it was, regarding the stamps? A. In every post-office, or every post-office station, and the city, the superintendent of that station is responsible to the post-office for the stamps used at that station.

Q. To what extent? A. One thousand dollars, we had to carry; that is what the postmaster required at that station, and Mr. Dickenson and all the superintendents had to furnish those stamps with their own money; they buy stamps from the post-office.

Q. You mean they buy stamps from the general post-office? A. Yes, sir; then the stamp clerk, which I was, is responsible to Mr. Dickenson, not at all to the post-office, and there was a discrepancy in the stamp account there, of \$84, and in that \$84, there was \$75 of it borrowed money, borrowed by myself, with Mr. Dickenson's consent.

Q. How did you come to borrow that money? A. I borrowed it for a wedding present for my wife.

Q. A wedding present? A. No; a Christmas present.

Q. Where did you buy that Christmas present? A. At Black, Starr & Frost.

Q. What was the article? A. A diamond pin—an owl pin, with diamond eyes.

Q. Did you buy anything else? A. No, sir; it was just for that; I might have bought some nick-nacks with it for the children; I don't know whether I did or not.

Q. Did you buy it in the presence of Mr. Dickenson? A. Yes, sir; Mr. Dickenson and myself were in there together, and I told him I would like it, but I didn't have, but I could not afford to buy it at present, because I did not have the money, and he said, You can take the money from me, and when you get your salary, you can pay it.

Q. Did you give him any note or anything? A. I just gave him an L. O. U., and signed my name to it.

Q. Where did you put that? A. I put it in the stamp drawer; I gave it to him, and he put it in the stamp drawer; it was in the stamp drawer, so we could balance on it.

Q. When did the matter become known, or any trouble about it arise? A. The first trouble that I heard about it was the day that Mr. Morgan of the post-office came up there, and told Mr. Dickenson that he had a pretty big Democrat in there and Mr. Dickenson asked him who it was, and Mr. Morgan says, this Granger; they say he is going around shouting over this election; this was at the time the Democrats carried all the Congressmen; he says, "We don't want that kind of talk;" when McClave came to me and asked me if it was true, and I told him that I might have been elated over the fact that the Democrats had been victorious, and he told me that I had better keep my mouth shut in the post-office; it was three weeks after that, that this charge of taking money from the stamp drawer was made against me.

Q. Who made the charge? A. I think Mr. Morgan—yes, Mr. Morgan, there was no charge to be made, because Mr. Dickenson went right down to the post-office and saw Mr. Morgan and saw Mr. Wood, and they sent for Mr. McClave, and Mr. McClave asked me if I had taken any money from the stamp drawer, and I told him, "No; only on Mr. Dickenson's authority;" and he said, "Well, you had better resign," which I did do; I wrote my resignation on the post-office paper, and had a notice from the post-office, I think, some three or four months after that, that there was a balance of salary due me there of some thirty odd dollars, and to come down and get it, and I went down and got it, and there was nothing said.

Q. When you went and got your balance of salary, did anyone

say you had done anything wrong or did they make any charge or claim against you? A. No, sir; I never knew there was a charge against me for stealing registered letters until I heard Mr. McClave's testimony.

Q. Did Mr. Van Cott know you personally? A. I do not think I have ever spoken a word to the man in my life.

Q. Did the post-office authorities, the officials, know you? A. Mr. Morgan and Mr. Wood and Mr. Dickenson were about the only ones that I had any dealings with at all.

Q. After you left the post-office, what employment did you go into? A. I was at Bloomingdale Brothers for about six weeks.

Q. How did you go into Bloomingdale Brothers? A. I went in there through a friend of mine who is their superintendent.

Q. How long did you remain in Bloomingdale's? A. I was there about six weeks.

Q. Did you leave Bloomingdale's of your own accord? A. Yes, sir—no; Mr. McClave wanted me to go into the White Yankee Manufacturing Company.

Q. Well, did you leave Bloomingdale's of your own accord? A. Yes, sir.

Q. What caused you to leave Bloomingdale's? A. Because Mr. McClave wanted me to go into the White Yankee Manufacturing Company.

Q. Was that a company organized by Mr. McClave? A. Yes, sir; that was organized by him.

Q. A certificate was produced here in court with your signature upon it as one of the incorporators; is that the company that you have reference to? A. Yes, sir; I think so; it was the only company that I was ever in in which Mr. McClave had anything to do.

Q. And Mr. McClave's sons were connected with it, were they? A. Yes, sir; they were.

Q. There were five persons? A. Yes, sir; Mr. McClave and Steve McClave and John McClave, Albert McClave and myself.

Q. Whatever capital was put up in that company, was put up by Mr. McClave, was it not? A. Yes, sir; all of it was, \$7,500.

Q. You did not put up any capital, did you? A. No, sir.

Q. You had not any, had you? A. No, sir.

Q. But you say it was at Mr. McClave's inducement or insistence that you left Bloomingdale Brothers? A. Yes, sir.

Q. What did you do in this White Yankee Manufacturing Company? A. I was appointed secretary of it and I did more selling than anything else; I was the only salesman they had.

Q. Did you receive a salary? A. Yes, sir.

Q. How much? A. Fifteen dollars.

Q. Fifteen dollars a week? A. Yes, sir.

Q. From the company? A. Yes, sir.

Mr. Nicoll.—What was the date of this, Mr. Goff?

Mr. Goff.—I will get the date.

Q. Can you give us about the date of the company, when it started in business? A. I think it was along in the early part of March; I know it was just before Mr. McClave took his trip to California.

By Mr. Nicoll:

Q. In 1892? A. Yes, sir; I think it was on or about that time.

Q. You left the post-office in 1891? A. February 6, 1891, I think.

By Mr. Goff:

Q. After the post-office incident, Mr. McClave says in answer to a question by Mr. Nicoll:

“And you took the young man back to your house? A. Yes, sir.

“And you made another effort to reclaim him then after that? A. Yes, sir.

“And the reason you did it was on your daughter's account and the children's account? A. On her account, and the children's account and on the family's account, and his own account, because I did think a good deal of him, notwithstanding his ways; I wish he could be redeemed to-day for his own sake; nobody would be more pleased than I would.”

Q. Was there any trouble in the family over the post-office incident? A. No, sir.

Q. Had you left the house at that point? A. Mr. McClave house.

Q. Had you left the house at that time? A. Mr. McClave's house?

Q. Yes. A. No, sir.

Q. Was there any trouble at all in the house? A. No, not in the least.

Q. So, when he says he took you back, did he take you back?

A. I never went out to come back.

Q. He says here that he thought so much of you, in his endeavor to reclaim you—I am giving the substance, but not the exact words—that he set you up in business; is that true?

A. I do not know what business it was.

Q. Let us see; how long were you in the White Yankee Manufacturing Company? A. I was in it until he called it a hospital, and said he could not have it run any more.

Q. Mr. McClave said so? A. Yes, sir.

Q. He said he was losing money? A. Losing all that he had put in it.

Q. What did he do with the business, then? A. He turned it over to me, in consideration of \$1, and said, "See if you can do anything with it."

Q. The business had been losing money? A. It had not paid a cent; it even had not paid for the printing of the paper.

Q. How long a period of time were you engaged in it? A. How long was I engaged in it?

Q. How long was the company? A. From the incorporation of the company, until about the 1st of October following.

Q. About how many months? A. That is pretty nearly seven—eight months.

By Chairman Lexow:

Q. About eight months? A. Yes, sir.

By Mr. Goff:

Q. He says, "Q. What did you do; please tell us? A. I put him into business; I started a company with the understanding with him, that if he would give me some evidence of his desire to try and do what was right, that I would turn it over to him for himself; after I had kept him there for five or six months under a salary, he seemed as if he was showing a disposition to reform, and I turned the entire business over to him and made a bill of sale to him for the consideration of a dollar;" now, was it from the impression of your desire to reform, or from the fact that the business had not paid, that he turned the business over to you and set you up in business? A. It was because the business had not paid a cent, that he turned it over to me, and said, "See what you can do with it."

By Chairman Lexow:

Q. And you said it was worthless at the time; that all the money had been lost? A. Yes, sir; there was nothing to it at all.

By Mr. Goff:

Q. Was there anything coming to you at that time?

Mr. Ransom.—Does he mean to say that Mr. McClave told him that he turned the business over to him in consideration of a dollar, because it was not paying or that it was a worthless business—the testimony of the witness seems to convey that idea.

Mr. Goff.—He did say that Mr. McClave said it was a hospital, and that he could not continue it any longer.

By Senator Saxton:

Q. Did he say anything to you about your interest in it in connection with turning it over? A. No, sir; he just said, "You take hold of it, Gid, and see what you can do."

By Mr. Goff:

Q. Was there any fault found with you at that time? A. No, sir; he said that I had sold more stuff than any of them, and that was very little.

Q. It was your brothers-in-law and yourself that were running the business for him? A. Yes; and a nephew by marriage of his, a Mr. Harris, who lives in Newark.

Q. So it was within the family? A. Yes; the family circle.

Q. Up to that time, had there arisen any trouble in the household at all with you or about you? A. No, sir.

Q. Was there ever any request made by him or suggestion made by him, that you leave his house for any ill-doing? A. No, sir; never.

Q. And you went home every evening and sat at the table with him and dined with your wife and your father-in-law and other members of the family, at all the meals? A. Yes, sir; I did.

Q. Pleasant intercourse with them, was there? A. Talked all the time that we were at the table.

Q. There was pleasant relations between you? A. Yes, sir.

Q. And you called him father, did you not? A. I did.

Senator O'Connor.—Have you asked him or will you ask him about that mortgage?

Mr. Goff.—I will come to that, Senator.

Q. When he says he turned the place over to you for a dollar, that is true, is it not? A. Yes, sir.

Q. You had no money to buy it, had you? A. Not the least bit, not a dollar—I must have had a dollar.

Q. He says, "He had not been in the place alone but I guess about one week when I found out afterwards that he had mortgaged all the machinery in my building." Did you mortgage that machinery? A. Did I mortgage his machinery?

Q. Yes. A. No, sir.

Q. No, I won't say his machinery; did you mortgage the machinery? A. I put a chattel mortgage on two of my own machines.

By Chairman Lexow:

Q. Of this White Yankee Manufacturing Company? A. Yes, sir; when I took the company it was saddled down with some advertising contracts; there was one with Carroll & Company for \$63 a month, and that I assumed when I took this company.

Q. And there was one with the Manhattan Elevated Railway Company? A. Yes, sir.

Q. For how much a month? A. I think we paid every three months, something like \$190.

Q. And you assumed those contracts? A. Yes, sir.

Q. When you took that company, were there any debts due the company that you collected? A. No, sir.

Q. There was no business done to create debts? A. No, sir; there was not.

Q. Was there any money in the treasury? A. No, sir; I do not think there was.

Q. What did you get when the company was turned over to you for its assets; what did it consist of at that time? A. The two machines and the implements to make this White Yankee window cleaner, two office desks, three or four chairs, and ten or fifteen thousand tin boxes, and there might have been some of the ingredients that they made the White Yankee powder of.

Q. Some boxes for the purpose of containing the stuff manufactured? A. Yes, sir; the White Yankee window cleaner.

Q. What was this White Yankee window cleaner? A. It was made up into a paste which would turn to powder—it was made up in a powder which would turn to a paste when wet.

Q. These were small tin boxes? A. Small triangular tin boxes.

Q. Was that all the property you received in the company? A. Yes, sir.

Q. Was there a bank account kept especially for this company? A. Yes, sir; while it was going there was.

Q. That is while Mr. McClave kept it? A. Yes, sir; while he was with it.

Q. After he turned it over to you, what disposition was made, if any, of any money or bank account had in the name of that company? A. If there was any money left, I think Mr. McClave took it back again.

Q. Did you get any of the money? A. I did not get it; no, sir.

Q. About this mortgage, you say you did put a chattel mortgage on it? A. Yes, sir; for \$175 or \$200, I do not remember which.

Q. That was after Mr. McClave turned it over to you? A. A month or so afterwards.

Q. When you say on your machines, it was on the machines that were turned over to you? A. Yes, sir.

Q. You regarded and considered them as your property, did you not? A. Yes, sir.

Q. And you did raise a mortgage on those two machines? A. Yes, sir.

Q. For what purpose? A. To pay off these contracts.

Q. These advertising contracts that were saddled upon you when you assumed the company? A. Those and one or two other small bills; there was a bill for the Western Union messenger service for distributing circulars, that amounted to thirteen or fourteen dollars.

Q. Did Mr. McClave ever pay \$1 out on account of that company or for any of its indebtedness or contracts, after he turned the business over to you? A. No, sir—yes; he paid that mortgage for me; he paid back that mortgage.

Q. He took up the mortgage for you? A. Yes, sir; he took up the mortgage.

Q. But the money you say that you raised by that mortgage, was for the payment of these sums of indebtedness that you have mentioned? A. Yes, sir.

Q. How long did you continue there? A. I worked at it right along up to the 6th of last July; I had a good many things to do; I had other proprietary articles that I manufactured besides the White Yankee window cleaner; I made a furniture oil and brass polishing material and ironing wax and I opened in connection with it, a house-cleaning bureau, to see if I could not pull the thing together and make something out of it, but it did not seem to go.

Q. And so the whole thing was a dead loss? A. Yes, sir; and then I went to Ehrich Brothers.

Q. After you went to Ehrich Brothers' store? A. Yes, sir.

Mr. McClave says:

“Q. How long did he remain in Ehrich's? A. I think he was there altogether three or four months.

“Q. Was he discharged from there? A. Yes, sir.

“Q. On what account? A. Stealing cloaks and other things.

“Q. And other things? A. Yes, sir.

“And pawning them? A. Pawning them, yes, sir.”

—the Senators will see the habit of Mr. Nicoll, in testifying for the witness as he goes along—

“Q. Now, Mr. McClave, did he confess that to you; he told you about it, didn't he? A. Mr. Ehrich came to me about him and told me where the goods were located, a pawn shop on Sixth avenue, and asked if I would try and get them back, saying he

would pay the cost of the money that had been loaned upon them.

“Q. Did you? A. No, sir; I did not do anything about it.”

Q. Is that true, or any part of it? A. No, sir; I left Ehrich's myself, of my own free will, on the 2d day of February.

Q. He says that you pawned cloaks; had you any opportunity to steal cloaks in Ehrich Brothers'? A. No, sir; I was not in the cloak department, in fact, I was not on the floor of the cloak department and I do not believe Mr. Ehrich ever told McClave that either.

Q. Is that Mr. Ehrich a member of the firm? A. Yes, sir; the senior member.

Q. Did you ever pawn any article of any kind or description whatever, belonging to Messrs. Ehrich Brothers? A. No, sir; I did not.

Q. Did you ever take anything? A. No, sir.

By Chairman Lexow:

Q. Do you mean that story is entirely false, from beginning to end? A. About stealing cloaks?

Q. About taking cloaks and pawning them? A. Yes, sir.

Q. Or any other article? A. Yes, sir; while in Ehrich, from Ehrich Brothers or pawning any article from Ehrich's.

By Mr. Nicoll:

Q. And no such charge was ever made against you? A. No such charge directly.

Q. Well, or indirectly? A. Not to my knowledge.

By Senator O'Connor:

Q. To your knowledge, was there ever any charge? A. To my knowledge, never.

By Mr. Goff:

Q. Did you ever hear, before McClave testified, that you had been charged with stealing cloaks from Ehrich Brothers and pawning them? A. Yes, sir; I heard that about a week and a half after the divorce proceedings against me were started.

Q. Before the divorce proceedings against you were started, did you ever hear a word about it? A. Not a word; not a word.

Q. There has been something said here which I can not put my finger on now, that you forged a letter from Messrs. Ehrich Brothers on your leaving there; is that so? A. No, sir; it is not.

Q. Did you ever receive a letter from them? A. I did; I received a letter from S. W. Ehrich, himself, dated February 2d, and copied in his book, too.

Q. Where is that letter? A. It was there when I left two weeks ago to-day; I left it at the Rutland apartment-house with my mother.

Q. You received that letter from Mr. Ehrich, signed by Sam. Ehrich? A. Yes, sir; with his signature to it.

Q. You know his writing, do you? A. Yes, sir; this was a type-written letter.

Q. Written on the firm paper? A. Yes, sir; written on the firm paper.

Q. How was the signature? A. It was all right.

Q. Was it in writing? A. It was a written signature.

Q. What was the signature? A. S. W. Ehrich, signed in writing by him.

Q. You say there is a copy of it in his letter-book? A. Yes, sir; the letter was copied; the letter was mailed to me at 124 West Seventy-second street.

Q. Is that letter in the nature of any charge or accusation against you? A. No, sir.

Mr. Ransom.—I think we ought to have that letter if it is in existence.

Mr. Goff.—If we can get it, we will produce it.

The Witness.—Mr. McClave himself has seen the letter.

Chairman Lexow.—It would be better to produce the letter, Mr. Goff, if you can.

Mr. Goff.—I will put a general question; did the letter contain any charge or accusation against you of having done anything wrong in Ehrich's?

(Objected to.)

A. No, sir.

By Chairman Lexow:

Q. Did you have any conversation with Mr. McClave in reference to it? A. I showed him the letter when he accused me of being unfaithful to my wife.

Senator O'Connor.—Did he testify that he forged that letter?

Mr. Goff.—Yes.

Senator Saxton.—Did Mr. McClave say that it contained a charge against the witness?

The Witness.—It did not contain any charge.

By Chairman Lexow:

Q. Did you have any conversation with Mr. McClave about it?

A. Only as I say there.

Q. What did he say about the letter? A. When I left New

York, 52 weeks ago to-day, I took all the letters out of my pocket and gave them to my mother, every one, and Mr. Jerome also saw the letter.

Mr. Ransom.—No doubt she has the letter and it shall be produced.

Q. You have not seen them since? A. No, sir; I have not been in New York since.

By Mr. Goff:

Q. You say that Mr. Jerome saw the letter? A. Yes, sir; Mr. Jerome saw the letter.

Q. Did you ever see Mr. Ehrich since? A. Yes, sir; once or twice—since I left, you mean.

Q. Yes. A. Yes, sir; once or twice.

Q. Did he ever charge you with having stolen anything from his store? A. No, sir.

Q. Did you meet him socially? A. I bowed to him; that is about all, but he asked me one day if I had placed myself, and I said yes.

Q. Where did you go after leaving Ehrich's? A. To Smith, Gray & Company, at the corner of Broadway and Thirty-first street.

Q. That is near Ehrich's store, is it—state to the committee where Ehrich's store is? A. Ehrich's store is on Sixth avenue, between Twenty-second and Twenty-third streets, and Smith, Gray & Company is at the corner of Broadway and Thirty-first street, where Vogel Brothers used to be.

By Chairman Lexow:

Q. And you were there when you were subpoenaed? A. Yes, sir.

Q. Employed by them? A. Yes, sir; by Smith, Gray & Co.

By Mr. Goff:

Q. When you went to Smith & Gray, did they ask you for any reference? A. Yes, sir.

Q. Did you give them a reference? A. Yes, sir; I gave them Ehrich Brothers.

Q. You gave them Ehrich Brothers as reference? A. Yes, sir.

Q. And you were employed by them? A. I was employed by Smith, Gray & Co.; yes, sir.

Q. And you were in their employ when you testified here last in court? A. Yes, sir.

Q. And so far as you know, you would have been in their employ still if you had not left the city? A. Yes, sir; I suppose so.

Q. Messrs. Smith, Gray & Co. knew who you were? A. Yes, sir; they knew who I was.

Q. Knew the family you were connected with? A. Yes, sir.

Q. And for whom you had worked before? A. Yes, sir.

Q. And they employed you on your statement? A. Yes, sir; I gave them my reference and told them who I was, some two or three weeks before they employed me, and then I had a letter telling me to report for work the following Monday, which, I think, was April 23d or 24th.

Mr. Ransom.—I think it is proper that I should say something about the criticism of Mr. Goff, parenthetically, in the course of his examination. I wish to call the committee's attention to the testimony given by Mr. Goff, persistently and constantly, and also in the last minute, and if there is any objection to Mr. Nicoll's testifying that Mr. Goff referred to a while ago, I think the same rule should be applied to the testimony that Mr. Goff is now giving.

Senator Saxton.—Both sides have done the same thing, I think.

Senator O'Connor.—Yes, but it is harmless.

Q. What wages did you receive at Smith & Gray's? A. I received \$15 a week.

Q. What position did you occupy there? A. I had charge of the shirts.

Q. As salesman? A. Yes, sir.

Q. Do you remember attending a reception at the house of Mr. Judd? A. No; Mr. Budd.

Q. Yes; Budd, I should say? A. Yes, sir.

Q. Where is Mr. Budd's house? A. I can not tell the number, but it is in West Eighty-sixth street, between the Park and Columbus avenue; I think it is about 56, or somewhere around in that neighborhood.

Q. Who attended that reception with you? A. There was Mr. McClave and Mrs. McClave, my wife at that time and myself, and Mr. and Mrs. Higgins.

Q. That is his son and daughter? A. His other son-in-law and daughter.

Q. Do you remember anything having been said by Mr. McClave or any person in his presence that evening, about the appointment of the Senate committee?

Chairman Lexow.—Fix the date of that when it was, if you can?

A. It was the latter part of January, sometime.

Q. January of this year? A. Yes, sir.

Q. It was January of this year, as nearly as you can recollect?
A. Yes, sir.

Q. Did you hear anything, at that time, about the appointment of the Senatorial Investigating Committee? A. The night of this reception, Mr. and Mrs. McClave and my wife and I rode up there in the same carriage together, and going up, Mr. McClave was quite nervous, and Mrs. McClave turned to him, and said, "Why, Johnnie, what is the matter with you;" and he says, "Oh, nothing, nothing;" and she says, "Oh, yes; there is; it is that police investigation business; I would not worry over that;" and he said, "I don't see why it is those hayseed politicians up in Albany want to come down here and bother us honest men."

Q. Mr. McClave testified here that he did not recollect saying anything of the kind, or saying anything about the investigating committee? A. Probably he was so nervous that he didn't think of it.

Mr. Nicoll.—I move to strike that out.

Chairman Lexow.—Yes; strike it out.

Mr. Goff.—I do not object; it is stricken out by consent.

Q. Did you remain long at the reception that night? A. No, sir; we were only there, I think, about half an hour, may be an hour, and Mrs. McClave then came to my wife, and said, "Papa was getting so nervous at the noise and bustle around here that we would go down to Delmonicos; so Mr. and Mrs. McClave and myself and wife went in the same carriage down to Delmonicos, and Mr. and Mrs. Higgins followed shortly after in a cab.

Q. Did you have refreshments there at Delmonicos? A. Yes, sir; we had.

Q. Up to that time, about the latter end of January; was that the first that you heard about the appointment of this committee? A. I think it was on or about that time that I first heard of it.

Q. Up to that time, was there any trouble whatever in Mr. McClave's family respecting you? A. No, sir.

Q. Or between you and the family? A. No, sir; we were all right; never on more pleasant relations with him in my life than I was then.

By Chairman Lexow:

Q. That was the end of January or the beginning of February?
A. No; it was not the beginning of February; it was the latter part of January; I am positive of that, because it was on the

2d day of February that he accused me of these charges that I refer to, in regard to this person at Ehrich's store, and it was under that date that I had this letter from Mr. Ehrich.

Q. Do you remember whether the resolution was passed to investigate the police department, or whether it had actually been appointed under the resolution? A. That I could not tell; because I never at that time expected to be here before the committee.

By Mr. Goff:

Q. So it was not until the 2d of February that you heard any accusations made against you, which have been made since? A. Yes, sir.

Q. Up to the 2d of February everything was harmonious? A. Yes, sir.

Q. And peaceable and quiet? A. Yes, sir.

Mr. Nicoll.—And always had been?

Mr. Goff.—One moment; I will shape my questions to suit myself.

Q. Had you ever been requested or instructed by Mr. McClave to leave the house? A. No, sir.

Q. Up to the 2d of February? A. No, sir; up to the 22d of February.

Q. Up to the 22d of February, that is, Washington's birthday? A. Yes, sir.

Q. Mr. McClave said here: "Meantime"—speaking about your time in Ehrich Brothers—"Meantime, I found out positively that he was going with a very low class of prostitutes, and demeaning himself worse than ever, and my daughter commenced proceedings against him for a divorce. Q. And your daughter commenced proceedings against him; yes, sir; on statutory grounds."

Q. When did you first hear of any charge against you by Mr. McClave or any member of his family against you for consorting with prostitutes? A. On the night of the 1st of February, 1894.

Q. On the night of the 1st of February, you say? A. Yes, sir.

Q. That is in relation to the date of the 2d, that you mentioned a while ago? A. Yes, sir.

Q. Was that after this occasion when you rode with him in the carriage to the reception at Mr. Budd's, and afterwards went down to Delmonico's? A. Yes, sir.

Q. How many days after, as nearly as you can recollect? A. A very short while; I hardly think a week.

Q. What took place between yourself and Mr. McClave, when you first heard about your consorting with prostitutes? A. On

that night, I took home two tickets to the theatre, and as I entered the dining room about seven o'clock, the usual hour of my getting home, I threw the tickets over to my wife, and said, "There are a couple of seats to-night you go upstairs and get ready so we won't be late;" I had not finished my dinner.

Q. For what theatre were the tickets? A. The Bijou theatre; Tom Daly's company, I think; and Mr. McClave looked up from the table and said to his daughter that he wanted to speak to her a moment before she went upstairs; she said all right, and walked in the front parlor; I started to go up as soon as I finished my dinner, and Mr. McClave said, "I would like to see you, Gid, in the front parlor," I said all right, and he followed in, and he said to his daughter, "Where are those tickets?" she said, "Here they are," and showed them to him, and then he turned to me and he said, "Where were you on the night of January 23d; you didn't go to Philadelphia;" I said, "I know it; I went to a prize fight;" he said, "You are a liar, you were with a whore;" I said "Thank you, I was not;" that was in the presence of his daughter; then he says, "You go upstairs," calling me some names; I went upstairs and he came up there, and his daughter started crying and one thing and another.

Q. When you say his daughter, you mean your wife? A. Yes, sir; and finally he came down and I thought everything was peaceable again; I never dreamed of having the thing come up again.

Q. What became of the tickets for the theatre? A. I don't know; I never got them; Mr. and Mrs. McClave went out that night—I don't know whether they used them or not.

Q. Was that the first time you ever heard a word said to you by Mr. McClave or any one in his presence about consorting with prostitutes? A. Yes, sir; that is the first time he ever accused me of it, and he has often gone so far as to say to me that he knew I would never go with women, because I was never out of the house nights.

Q. He had said that to you, had he? A. Yes, sir; innumerable times.

Q. What was your habit regarding your time in the evenings; you say you never went out of the house at night? A. Yes, sir; during the six years that I was married; I do not think that I was out of the house later than 10 o'clock at night five times without my wife—10 times would be in excess.

Q. How old were you when you were married? A. Twenty-three.

Q. About this Philadelphia incident, you were in Ehrich's at that time, were you not, at the time you said you went to Philadelphia? A. Yes, sir.

Q. And Mr. McClave told you that you lied or it was untrue that you had gone to Philadelphia? A. Yes, sir.

Q. That was true, was it not? A. I did lie; I did not go to Philadelphia.

Q. You did tell an untruth; you said you went to Philadelphia? A. That was the excuse that I gave at the house; I made that excuse to my wife.

Q. To your wife at home? A. Yes, sir.

Q. And you were away that night? A. I was away all night.

Q. Where did you go that night? A. I went to a prize-fight.

Q. Where? A. Well, on Staten Island.

Q. Who were the fighters? A. A fellow by the name of Caffrey and Greer.

Q. Did you know either of them? A. Yes, sir.

Q. Which of them? A. Caffrey.

Q. Did you know Caffrey? A. I bet on him.

Q. Did you know him before? A. Yes, sir; I have known him quite often.

Q. Did he ever work for you or in connection with your business? A. Yes, sir; he used to be a truck-driver.

Q. For you? A. Yes, sir.

Q. When you were in the produce business? A. Yes, sir.

Q. And you took an interest in his fistie encounters, did you? A. Yes, sir.

Q. And you had such an interest in him that you bet your money on him? A. Yes, sir.

Q. May I ask you who won or lost? A. The police stopped it and it didn't finish.

Q. Well, that was on Staten Island? A. Yes, sir.

Q. And it was for that purpose that you told the falsehood to your wife, that you were going to Philadelphia? A. Yes, sir; I never, even when my brother was married up in Canandaigua, my wife would not let me go to the wedding; she insisted on my staying home, until I went down and told Mr. McClave that I thought it was my duty to go to my brother's wedding, and finally he went up stairs and said he thought it was, too, and I would have to go, and then my wife would not let me go to my aunt's funeral in Boston; I was never away from her.

Q. You were always in the house? A. Yes, sir; and Sundays I was nurse girl.

By Senator Bradley:

Q. You were a nurse girl on Sundays? A. Yes, sir; although it was a pleasant occupation.

Q. You have three children? A. Yes, sir.

Q. Of course, very much attached to your children? A. Yes, sir; and still am.

Q. Did Mr. McClave say anything to you about the identity of the prostitute that you were with? A. Well, yes; he did, but it was such a — so far drawn, there was no truth in it at all, not the least bit that I would not like to mention the person's name, because she is perfectly respectable, and there was nothing done that was a detriment either to her or myself.

Q. After your father-in-law made this accusation against you, on the night of the 1st of February, did you continue in the house? A. Yes, sir; oh, yes; I stayed there in the house up until Washington's birthday.

Q. In the meantime you sat at the table as usual? A. Sat at the table, broke bread and ate his salt.

Q. Broke bread and ate salt as usual? A. Yes, sir.

Q. And you occupied the same room and bed with your wife as usual? A. Yes, sir.

Q. There was no difference in your relations between yourself and wife? A. There was, of course, after her father accused me of that, but it was only — well, not for a week.

Q. There was a little coldness? A. There was a coldness at first, but it wore off; it was all right afterward.

Q. And you continued in your marital relations with your wife in the house, up to what date? A. Up to half-past 12 of the 22d day of February, 1894.

Q. Did you hear anything about this charge against you in the meantime? A. No, sir; I thought it was all over, because it was such an absurd thing to do.

Q. Did Mr. McClave speak to you in the meantime? A. Yes, sir; he did.

Q. Every day? A. Well, yes; every day.

Q. Was there anything said about it by him to you in the meantime? A. No, sir; that is why I thought it was all over with.

Q. Was there anything said in the family about it? A. Not in my hearing; not to me, by my wife or by him.

Q. You went home every night as usual? A. Yes, sir.

Q. And went to your place of business in the morning as usual? A. Yes, sir; although I was not working after that.

Q. You were not working then? A. No, sir; it was the next morning that I resigned from Ehrich's, after he charged me down stairs with being with this woman at Ehrich's.

Q. You resigned from Ehrich's? A. Yes, sir; on the 2d day of February.

Q. The day after you were charged by your father-in-law? A. Yes, sir; the day after that.

Q. Did you know or hear or have any knowledge whatever that any proceedings for a divorce were contemplated against you, from the 1st of February until the 22d of February? A. No, sir; I did not; I had not the least idea of it, not the faintest.

By Chairman Lexow:

Q. Were the papers served on that date? A. No, sir; they were not served on me until the 18th of March.

By Mr. Goff:

Q. On the 22d of February, Washington's birthday, do you remember what took place? A. I went down to the Rutland in the morning about half-past 9, I guess it was, to see mother; she had been sick; had a nervous headache, and I went down to see her, and, after staying a little while, turned around and went back home, and I stopped at a toy store and bought some picture-books for the children, and went back to the house and started to go in as usual and got up as far as the second flight and Mr. McClave was talking in the telephone, and he looked up, and said, "I want to see you down stairs," and the children ran out, and I said, "Here are some picture-books that I promised you, and I will be up in a little while and show you the pictures;" then I went down stairs in the parlor and waited for him to come down; he came down and walked to the front door and opened it, and he called me, and said, "There is the door, and I never want to see your face in this house again;" I asked him what for, and he said, "That is what for; you go now;" and he was very much excited—he gets excited easily and quickly, and I saw there was no arguing or talking with him, but I wanted to know what it was for, and I turned around and left, and I went down to the Rutland and told father and mother about it, and they thought it was—

Q. Never mind what they thought; is that the only transaction or conversation had between Mr. McClave and yourself relating to the charges against you of infidelity after the first conversation on the 1st of February? A. Yes, sir.

Q. Was that the only charge? A. Yes, sir.

Q. And the only conversation that took place between you in reference to that charge? A. Yes, sir.

Q. You left everything behind you there? A. Yes, sir; everything, I did not have anything except the clothes on my back that I had that day, my overcoat and whatever I had on.

Q. Did you get anything from the McClave house after that, any of your personal effects? A. I got all my clothing, and a few knick knacks that were laying around; I didn't get the letters and papers and books that I sent for, I have written and written for them and Mr. Jerome wrote for them and finally I found that my wife had burned up all the letters and papers and private books.

Q. Have you ever seen your wife since? A. Not to speak to her.

Q. Or your children? A. No, sir.

Q. When were the papers in the divorce suit served upon you?

A. The 13th of March, 1894.

Q. From the time you left on the 22d of February, until the 13th of March, did you have any communication with your wife or Mr. McClave? A. Yes, sir; I asked mother to go up to my wife and see what the trouble was; she did go up, and then my wife told her; she said, "Papa tells me that Gid is going around"—

Mr. Nicoll.—We do not want what she said.

The Witness.—That is how I knew.

By Senator Saxton:

Q. Did you ever make any effort to go and see her yourself? A. Yes, sir; the very day that I was turned away from the house I went back and rang the bell and they would not let me in; I then went down afterwards to see Charles F. Wells at No. 20 Nassau street and he advised me to write a letter and I wrote it and sent it by a messenger and it was refused at the door; I sent it up twice and it was refused and finally Mr. McClave came down and told the messenger boy that he didn't want him to bring any more letters there, and then I went back to Mr. Wells, and he said she is bound to get that letter, you had better send it by a registered letter, so I sent it as a registered letter, and the receipt was signed which I got.

By Mr. Goff:

Q. Did you receive any reply from her? A. No, sir.

Q. Did you receive any reply later, any letter? A. I have only had two letters at all from her, since the 22d of February; you could not call them letters, they were more notes than letters; one was in connection, or at the time that Judge McAdam granted me leave to see my children, before they went away to the country and through Mr. McClave's courtesy, he wanted me to see them at the foot of Eleventh avenue and Twenty-second street—

Q. Down on a dock there? A. On some dock down there among the Italians, and I wrote and told her, rather than to meet my children in such a place, I would waive the order to see them.

Q. You would waive the right that the court gave you of seeing your children? A. Yes, sir.

Q. Sooner than to bring them to such a place as Mr. McClave had suggested? A. Yes, sir; and in reply to that, I got a letter from her saying that she thought I would do that, and that I could see the children when she saw fit to let me see them; that is about the size of it.

(Recess.)

Afternoon session, June 5, 1894.

Present.—Senators and counsel as before.]

Gideon Granger, called as a witness for the State, being duly sworn, testifies as follows:

Direct examination by Mr. Goff:

Q. After the action for divorce was commenced against you, you were aware of the fact that you were charged with going to the Ashland House in company with a woman; weren't you? A. Yes, sir; one of the charges was that.

Q. One of the charges? A. Yes, sir.

Q. And what was the other charge? A. Going to a hotel known as the Holborne, at 43 West Twenty-fourth street.

Q. Were you acquainted with the proprietor of the Ashland House, Mr. Parker? A. Yes, sir; have been very well for four or five years.

Q. Were you in the habit of frequenting the Ashland House restaurant? A. Yes; during the time I was at the post-office I was there at the restaurant every morning of my life.

Q. So you were well known in the hotel? A. Yes.

Senator O'Connor.—Is this for the purpose of clearing the imputation on the witness notwithstanding the adverse proceeding.

Mr. Goff.—Not particularly. We do not wish to lighten the judgment, nevertheless it lead up to something else, matters I think of importance in connection with the adverse witness, and in connection with the relations this witness had to Mr. McClave, and the relations that were the outcome of the trouble between them before the appointment of this committee.

Senator O'Connor.—You are not going to proceed to prove animus on the part of this witness by showing that McClave by obtaining the divorce against him in favor of his daughter by

wrong methods — that he showed animus? Do you seek to go into these proceedings at all.

Mr. Goff.— Not to any extent. I propose to show that the register of the Ashland House, which purports to contain the handwriting of this witness, that that register was taken away by Police Inspector Williams, and could not be reached; and further, that this house called the Holborne he was accused of being in was raided immediately and the register of that house taken away.

Senator O'Connor.— All right.

Mr. Ransom.— Mr. Chairman, may I say a word about this? Senator O'Connor, it seems to me, has struck the key-note of the whole situation. The whole morning has been spent, perhaps, with reasonable consumption of time, public and private, in giving this witness an opportunity to habilitate himself. He has put himself really upon trial, and with the assistance of Mr. Goff, who has testified for him a great deal, he has at this time undoubtedly satisfied himself that he stands now before this community a respectable man, whatever may be the opinion of the committee or of the public in that regard. It has seemed to us that time enough has been spent on that point, that the committee has given him great latitude for the purpose of proving if he could, out of his own mouth, with the assistance of his counsel, that he is a respectable man. Now do you propose to go seriously into the trial of this adverse action.

Senator O'Connor.— This is a different trial. Now the attempt at proof is directed to this fact that certain police officials in this city lent their powers to aid Commissioner McClave to secure or in avoiding testimony that might be adduced before the proceedings.

Mr. Ransom.— There is no objection to that, Mr. Chairman, at all. I do not rise to object to that; but in the nature of things on the introduction of this subject by Mr. Goff it seems to me that this witness could have no personal knowledge upon any such subject. It is not pretended that he knows that Inspector Williams, or anybody, took this register away from the hotel. The introduction of that subject satisfies me that the witness is expected simply to testify to some hearsay upon that point. It is really for the purpose, I assume, of having him further testify to his respectability personally and his innocence of this charge.

Mr. Goff.— This morning all his testimony has been to contradict Mr. McClave.

Senator O'Connor.— Most of it.

Mr. Goff.— My learned friend, if he had been in court when Mr. Nicoll was, when Mr. McClave stood up and off and on denounced

this witness in public, I do not think Mr. Ransom would have the temerity to stand up and object to his offering explanation.

Mr. Ransom.—I think we have spent time enough on that subject.

Mr. Goff.—The judge, when he was on the bench, was noted as an expeditious officer, and he brings his expedition into this place; and we have not the high and vital power to get up the steam that the judge has.

Senator O'Connor.—You had better go on or you will get up enough steam.

Mr. Nicoll.—I do not know whether the committee is aware of the fact that this defendant put in an answer to the divorce suit, and had his day in court, and withdrew the answer before the hearing of the court, and the evidence was taken and a decree rendered.

Mr. Goff.—Oh, no; he did not withdraw the answer.

Mr. Nicoll.—That is his writing here saying he withdrew his answer.

Mr. Goff.—Do you want to try the judgment of record.

Senator O'Connor.—I think these things Mr. Goff proposes to prove now, which he has submitted to the committee, it is fair to Mr. McClave that it should be done—that the witness, Granger, had an animus; that is, if McClave has by the power of the police department, if he has the power to strike back, it would furnish the complete animus to do it; it is entirely fair to Mr. McClave, I think.

Mr. Goff.—It is simply on these points, that is all; on that question I respect the decree of the Supreme Court, as we all must. I do not propose to do it. That is a matter Mr. Granger will have to do himself in court if he wishes to do it.

Q. Now, Mr. Granger did you go to the Ashland House after you became aware by the written complaint served on you of the charge against you of having gone to that house in company with a dissolute woman? A. Yes.

Q. Who did you see there? A. I saw the chief clerk, Mr. Finney, and Mr. Brockway, the proprietor of the hotel.

Q. Were you acquainted with each of those gentlemen? A. I know them very well.

Q. And have for some time? A. Four or five years.

Q. Did you seek to get access to the register? A. Yes, sir.

Q. Did you see the register? A. No, sir.

Q. Where was it? A. Mr. Brockway said—

Mr. Nicoll.—One moment; will the committee permit that?

The Chairman.—Yes; if Mr. Brockway stated it was not there.

By Mr. Goff:

Q. Mr. Brockway, the proprietor of the hotel, the person charged with the custody of that register; what did Mr. Brockway say in reference to the register? A. Said Inspector Williams came there and took it.

Q. The inspector had gone there and taken it? A. Yes; or had loaned it to Inspector Williams.

Mr. Nicoll.— Objected to; that ought not to be allowed; it is a terrible thing to have a scandal in this family bruted out.

Mr. McClave was the first one to bruit it out.

The Chairman.— Captain Williams' name might be omitted from the record; the simple fact that it was taken away might be admitted and that is enough.

Mr. Goff.— I think the person who took that register away with Mr. McClave in his position of a high police official should stand on the record.

The Chairman.— Can we show that to Mr. Brockway?

The Witness.— Mr. Mason was with me at the time he told me.

Q. One of your attorneys? A. Yes.

Q. Did you go to the Holburn? A. Yes.

Q. What did you learn there? A. Mr. Shultz, the man who has charge of it, told me that the register had been placed in the Garfield Safe Deposit vaults.

Q. Was there anything there about the raid of the house? A. Well, the house was raided, I think, a week or so before that.

Q. Before that? A. Before that; yes, sir.

By Senator Saxton:

Q. What do you mean; before you were there? A. Yes, sir; before I was there; yes, sir.

By the Chairman:

Q. Before you were there in search of the book? A. I did not see the book; the book was gone.

Q. It had been raided about a week before you went in search of the book? A. Yes, sir.

By Mr. Goff:

Q. About when did you go in search of the book? A. About the 14th of March; the day after the paper was served upon me.

Q. The day after the paper was served upon you? A. Yes, sir.

Q. Mr. McClave testified that, during your married life, you had given to your wife, his daughter, not more than the sum of \$150 during the six years of your married life; what have you

to say to that? A. Not so; there is not a word of truth in it; Mr. McClave himself gave my wife the bank-book, the safe deposit bank-book with \$273 in, himself.

Q. Yes, but what did you give? A. Give her; that was my bank-book that he sent on to Boston to collect for me; I gave my power to attorney to collect it for me.

Q. Money that was left to you? A. Money that was left in the bank by Mrs. Robert C. Winthrop, of Boston, my aunt; I gave Mr. McClave the power to collect that through his bank and gave that to my wife; I have given her upwards of over \$3,000 of money that I can account for myself, and money I can account for and trifling things of two, three and four dollars when she asked me for it; I gave it to her; that is exclusive of any Christmas presents or knick-knacks or trinkets that Mr. McClave has referred to.

Q. You were in the habit of accompanying Mr. McClave and his family every summer to their summer place? A. Yes, sir.

Q. Do you remember the year 1890; where were you? A. Black Rock, Conn.

Q. Where were you in 1891? A. Let's see; I think we were there then, too; last year we were at Portchester and the year before that we were at Long Branch and we were there then.

Q. Eighteen hundred and ninety-one? A. Eighteen hundred and ninety-one.

Q. And in 1892 where were you? A. Long Branch.

Q. In 1893? A. Portchester.

Q. And that is where Mr. McClave's new house is? A. Yes, sir.

Q. You were with the family the summer they were down to Manhasset? A. We did not stop there but a very short time; the summer that we were at Manhasset we were living at open house on Seventy-second street, 156; it was too long a distance for Mr. McClave to go and come every day and so that had the cottage at Long Branch and the house open in town.

Q. I speak of the cottage down on Long Island? A. That is the Manhasset; I was down there three or four weeks during the summer.

Q. Were you there? A. Yes, sir.

Q. Do you remember that if during that summer Williams' yacht was there? A. Yes, sir; Captain Williams loaned McClave, for the use of his boys, his yacht; I think they took a cruise of something like 10 days or two weeks.

Q. How many men were in the crew? A. Four or five.

Q. Four or five men; do you know the dimensions of that yacht? A. No, sir; I could not tell you the dimensions; it was a sloop boat, about 50 some odd feet long; not over that; I do not think.

Q. Her name was the Eleanor? A. Eleanor; yes, sir.

Q. Now you spoke at your last examination about receiving money from men who sought appointments on the police force?

A. Yes, sir.

Q. You said you gave money to some other persons besides Mr. McClave in reference to these appointments? **A.** Yes, sir.

Q. In reference to these appointments, you mentioned the name of a man named Kelly? **A.** Yes, sir.

Q. To whom you gave money? **A.** Yes, sir.

Q. Is that the man (pointing to Mr. O'Kelly)? **A.** That is the man.

Q. Did you indentify that man? **A.** Yes, sir.

Mr. Goff.—That is the witness that was on the stand, Mr. Chairman, the other day.

The Witness.—That is the Mr. Kelley I had reference to, although I do not know he kept a shoe store.

Q. That is the man; there is no doubt about it. **A.** Yes; that is the man; yes, sir.

Mr. Goff.—Take a seat, Mr. Kelly.

Mr. Nicoll.—Don't intimidate the witness.

Mr. Goff.—By asking him to take a seat?

Mr. Nicoll.—In that tone of voice.

Q. State the circumstances of giving this man Kelly the money?

Mr. Nicoll.—We have been all over that.

Q. I will withdraw that question; where, first, did you see Kelly? **A.** I think the first place I met him was in Masterson's saloon, corner of Fifty-sixth street and Eighth avenue.

Q. Have a conversation with him? **A.** I don't know that I did at that time, but I have seen him frequently in there, and also at other places on the avenue.

Q. Did you have a conversation with him at the time you gave him money? **A.** Yes, sir.

Q. What was that conversation? **A.** Well, the money was paid to me, and I gave it to him, and I said, "I understand you are the go-between here; I don't want to give this money direct to anyone;" and he said, "You have come to the proper person," or words to that effect; I don't recollect what the conversation was, but that was the substance of it.

Q. Was there anything further said about your becoming a rich man? **A.** No; he made a remark one time that the way I was making appointments of men my father-in-law would be rich; he made a remark the way I was making appointments was giving money, that my father-in-law would be a rich man, or substantially to that effect.

Q. I hand you a memorandum book and dairy that was shown

to you on your previous examination, and ask you to look at the names that you identified there—before I state to the committee that you have any corrections or alterations to make? A. No; I have no alterations to make.

Q. How about that man's name with the 500 opposite it? A. Coleman, you mean?

Q. I don't know what name? A. The roundsman?

Q. Yes; yes; what about that item and payment? A. Well, he paid \$200, first—\$200 or \$300; I do not know which it was—first, and the balance of the money he said he could not pay until he heard from his father, I think, in Sullivan county, if I am not mistaken; I know he was a farmer, and he would get the balance of the money from him; and I took what he had, for I do not know whether I gave it direct to Mr. McClave or not.

Q. Did you keep any other memorandum book, and the one now in the hands of the Senators? A. Yes, sir; I did.

The Chairman.—Where is the entry of Coleman?

Senator O'Connor.—There it is, there (indicating).

Mr. Goff.—With those names.

The Witness.—There is a written entry up there. That top part is a memorandum of something else; that is in two parts; supposed to be.

Chairman Lexow.—You had better have that entry admitted upon the record here.

Mr. Goff.—Yes.

The Witness.—Yes; I kept another memorandum book.

By Mr. Goff:

Q. I wish you would read out for the stenographer and for the committee the names of persons you paid to.

Mr. Nicoll.—We have been all over it on pages 1209, 1210 and 1211.

The Chairman.—What I suggest is he dictate to the stenographer here, the precise memorandum as it appears on the book. As I recollect the testimony there was only three individuals testified to by him, and there are seven or eight on one page there.

Mr. Goff.—Now please read off those names that you have there? A. Little, \$250; Burns, \$280; Cohen, \$175; Cahill, \$250; Meehan, \$370; Farnsworth, \$300; Coleman, \$500, and Mead, \$250.

Q. What is that last name? A. Mead.

Q. Now, did you keep any memorandum there touching Coleman? A. Here is the—

Q. Is that it? A. Yes; here is Coleman.

Q. Read off that memorandum relating to Coleman? A. "Had an interview with Coleman; arranged for his promotion for \$500 and to be put up in two parts."

By the Chairman:

Q. That means \$500? A. Yes, sir.

Q. And the figures that you read with reference to the others, do those mean dollars? A. Dollars; yes, sir.

By Mr. Goff:

Q. Now you say you kept another memorandum book? A. Yes, sir; I did.

Q. Where is that memorandum book? A. The last time I saw it it was with a package of letters of mine, and the lot of private papers at Mr. McClave's house; I sent for it four or five times and they say it is burned.

Q. Had you a list of names in that memorandum book? A. I had everything in that that I ever done at all for the police department, or that I ever in any way had ever been offered; lots of times I was offered things that I didn't do.

Q. You were offered things in relation to procuring appointments? A. Yes.

Q. That is, you became pretty generally known as Commissioner McClave's son-in-law? A. Yes, sir; I was known as that pretty well.

Q. Could you say how many policemen you received money from or applicants, rather that you received money from for appointment on the police force during the six years you resided with Commissioner McClave? A. Oh, anywheres from 15 to 25.

Q. And in receiving money from this number 15 or 25, could you say whether or not you gave it all in each case to Mr. McClave? A. No, sir; I did not.

Q. Did you keep some yourself? A. Some with his knowledge; I did not give all this to Mr. McClave directly myself.

Q. To whom did you give it in addition to Mr. McClave? A. Some I gave to Richards, and some to Kelly and some I gave to Mr. McClave.

Q. Some to Richards; that is the orderly as you call him? A. Yes, sir.

Q. Some to this Kelly? A. Yes.

Q. And some to Mr. McClave himself? A. Yes, sir.

Q. Did Mr. McClave ever say anything to you in relation to direct transactions between himself and yourself touching those matters? A. It was never wise for me to give money direct to anybody; that I know that —

Q. Did he say that? A. Yes, sir; he said it was a very unwise thing to be in writing or to be seen giving money to anyone.

Q. Did he say anything about the wisdom or the necessity of

their having a third party or a go-between? A. No; I do not think he said that in particular.

Q. I call your attention specifically —

The Chairman.—Just ask the witness, Mr. Goff, how many times he gave money to Mr. McClave, and in what sums.

By Mr. Goff:

Q. Can you state, Mr. Granger, how many times you gave money to Mr. McClave, directly? A. Half a dozen.

Q. Half a dozen?

By the Chairman:

Q. That is, money for promotions? A. They are for appointments; half a dozen; may be more and may be less.

The Chairman.—Let him specify them as near as he can.

By Mr. Goff:

Q. Do you remember the cases where you gave the money to Mr. McClave, the names of the men, or the cases? A. Well, that Cohen is one; that is more vivid in my mind than anyone else is now.

Q. Cohen? A. Yes, sir; Cohen.

Q. There was a letter read here in court that you had written to McClave about Cohen? A. Yes, sir.

Q. He was the man that was working, truckman for you, or for the firm with which you were connected? A. Yes, sir.

Q. Can you remember any others? A. Well, I think there was a man by the name of Bradley, if I am not mistaken — not the Senator.

Q. Well? A. Well, the memoranda you have there are the ones that are more specific in regard to those.

Q. Well, these — A. Not this, but the other one.

Q. I call your attention here, take, for instance, the case of George Ronk? A. Yes, sir.

Q. Do you remember that? A. Yes, sir; that was not a promotion, nor that was not an appointment.

Q. What was it? A. He was the one that got in trouble with ex-Mayor Hewitt's son at the Madison Square Theater; he arrested him, or something, I have forgotten what it was, but I know Mayor Hewitt was mayor at the time, and charges were preferred against him, I think by Commissioner McClave, and it was a breakable charge.

Q. A charge that would break him if proven? A. A charge that would break him if proven; I don't know that it was

McClave that preferred charges, but I am of the impression that it was; he was in the Nineteenth precinct at that time, Ronk was, and he came to me about it, and I had known him quite well; he came to me about it, and I told him I would see what I could do for him; he said it would be worth a month's salary to do it.

Q. What did he ask you to do? A. He told me to save him.

Q. Did he ask you to see anyone to save him? A. Well, that was understood; my father was the only one to see; the only one I had to see, and I saw him, and father said he would do what he could for him, and did not think the officer was guilty, anyway, or something like that.

Q. Just wait a moment; well, proceed; Ronk asked you to save him? A. Yes, Mr. McClave spoke to me two or three times about him; and the trial, I think, was postponed once or twice, on account of having it brought before Mr. McClave, or having it brought before a full board, I don't recall the whole instance now; anyway, there was \$100 put up for it, and he was then fined 10 or 15 days, I don't know which, and transferred to the Twenty-fourth precinct, where he now is, or was, the last I knew.

Q. He put up \$100? A. Ronk gave me \$100 gold certificate.

Q. Where did he give it to you? A. Gave it to me in the vestibule of 124 West Seventy-second street.

Q. Mr. McClave's house? A. Yes.

Q. What did you do with the one hundred dollar bill? A. I gave it to Mr. McClave himself.

Q. How shortly after you received it from Ronk? A. The next morning.

Q. What did he do with it? A. I don't know.

Q. But you gave it into his hand? A. Yes.

Q. Did Ronk give you anything else? A. Yes; he gave me a wild fox.

Q. Where is the fox? A. It is now up—

Q. Where was it then? A. It was at his home.

Q. At Ronk's house? A. Yes, sir; he lived at Fifty-sixth street; the St. James Flats, Fifty-sixth street and Eighth avenue.

Q. What did he say to you about that in addition to the \$100? A. When he gave me the \$100, he said I have a fox down there, too, that would be good for the children to play with; I got the fox a day or two after that; I stopped when I was down town and brought it up to the house.

Q. You brought it to Mr. McClave's house? A. One night, I put it in the backyard and it tore up lace curtains and one thing and another.

Q. Had the fox to leave on that account? A. I took it away on that account; I took him down to Gus Muller's cigar store on Columbus avenue, between Sixty-ninth and Seventieth streets.

Q. You gave him the fox? A. Yes, sir.

Q. And as far as you know, is the fox there yet? A. The fox was there the last time I was by the store, some four or five weeks ago.

Q. He bred the fox, as I understand it? A. Yes, sir; he bred the fox.

By Senator Saxton:

Q. How long ago was that transaction? A. Some—well, it was about four years, five years—no less than that.

By Mr. Goff:

Q. Less time than that? A. Less than that, I think.

By the Chairman:

Q. Was it 1890 or 1891? A. Well, it was—I think it was about 1890 or 1891, or around there; I know Mr. McClave was just talking about the moving of 156 West Seventy-second street, and Mrs. McClave wanted a larger house, and I draw the time on the house more than anything else.

By Mr. Goff:

Q. That is, they left 156 to go to the new house? A. We were in 156 when this thing transpired, and it was shortly after that, if I remember correctly, that we went to 124 West Seventy-second street.

Q. And it is by that you fix the time? A. Yes.

Q. Now, Mr. McClave testified here that he received from Barnum & Bailey circus people, payment of a bill around six or seven thousand dollars in bills; do you know anything about ~~me~~ transactions with the Barnum & Bailey circus? A. No, sir; only he sold them lumber; he used to sell them lumber to fix their seats and stall, whatever they used it for, with the understanding with the Barnum & Bailey people that what lumber he could take back and use over again he would do so less a certain percentage.

Q. What was the percentage? A. I could not tell you; he would sell it for instance for three and a half cents a foot and take it back, perhaps, for two and a half, or rent it to them; the lumber he would get back he could use just as well on the steamers that go to Europe as he could—

Mr. Nicoll.—Can't the witness speak up?

The Chairman.—Speak up.

The Witness.—I am using my voice as loud as I can.

Q. Do you remember the summer Mr. McClave went to California? A. Yes, sir.

Q. Were you at home that summer? A. Yes, sir.

Q. In charge of the house? A. My wife and I.

Q. Where were his sons? A. They were all in California except Steve; he was the oldest son; he was appointed deputy commissioner—deputy treasurer of the police department.

Q. During his father's absence? A. Yes—not the pension fund; there is a law that prohibits him being treasurer for the pension fund.

Q. But the regular police fund? A. The regular police fund, yes.

Q. Do you know anything about Mr. McClave supplying lumber to the corporations here in New York—the elevated railway corporations? A. Yes; I think that is one of his largest customers—the elevated railroad, that and Crimmins.

Q. He was asked here if he directed his lumber to be taken to Crimmins on trucks other than his own; he said no, that he did not do so; do you know anything about that? A. Sometimes they went on other trucks; yes, sir; in fact, all lumber when delivered to the city department went on other trucks.

Q. On other trucks besides Mr. McClave's trucks? A. Yes, sir.

Q. Do you remember just as he was leaving for California if he said anything about that matter? A. I was not employed in the lumber business; the White Yankee was upstairs; on the front floor; the lumber yard was in the yard, and he told me to keep my eye open when Stephen was away, to see that all things were right.

By Mr. Ransom:

Q. What summer was this? A. The summer; the summer he went to California; the same year that he incorporated the Yankee Manufacturing Company.

Q. That was in 1892, wasn't it? A. I don't know the date, have forgotten the date of that.

By Mr. Goff:

Q. Did he say anything to you about the trucks? A. In connection with that what I said; to be sure that the trucks that delivered lumber to the city department to go on hired trucks, not his trucks.

Q. Not on his own trucks? A. No, sir; still I have nothing to do with that at all; that was not any of my business.

Q. Now you knew Mr. Higgins, didn't you, your brother-in-law? A. Yes, sir.

Q. Was he an inmate of the family also? A. An inmate of the house; he married Mr. McClave's oldest daughter.

Q. Was he a member of the family? A. Only in that connection; he did not live there.

- Q. Did he live with him? A. No, sir.
- Q. Did he visit them? A. Yes, sir; quite often.
- Q. Did you ever hear McClave say anything to him about his bills for the police department for work done by him? A. No, sir.
- Q. Did you ever hear him say anything about having pushed through his bill, or his bill was credited all right? A. I heard him say one time his check was already waiting for him, and he had better go down and get it.
- Q. Do you know anything about the cost of the furnishing of Mr. McClave's house, the present house, No. 124 West Seventy-second street.
- Mr. Nicoll.— Well, now, I object to that; isn't that a little too far?
- Mr. Goff.— Mr. McClave volunteered to testify about it himself; I do not know whether this witness knows anything about it.
- The Chairman.— Objection overruled.
- Q. Do you know anything about the cost of furnishing Mr. McClave's house?
- Senator O'Connor.— I suggest, Mr. Goff, unless there is something extraordinary about it not to go in details of that kind.
- Mr. Goff.— I appreciate that point; I don't know whether this witness knows anything about it or not.
- Q. I will ask if he knows anything about it? A. I only know what Mr. McClave told me.
- Q. What did he tell you? A. That the house cost \$85,000; that it cost him \$22,000 to decorate it; and that the carpets on the first floor cost him \$4,500; but I don't know the carpet — that last, what I saw about the carpets I do not think is so; the bill was \$4,500 and he would not pay it; it was an excessive bill, and I believe Sloane & Co. started suit against him on it, and Mr. McClave won the suit; I am pretty positive he did not pay that bill.
- Q. Now did you do any banking business for Mr. McClave?
- A. In what way?
- Q. Make any deposits for him in the bank? A. Yes, sir; I deposited for him, four or five or five or six times.
- Q. Where? A. Well, I made deposits at the Garfield Bank; I made deposits at the Bowery Bank.
- Q. You remember his fire? A. Which one?
- Q. His lumber yard? A. Which one?
- Q. Has he had more than one? A. Oh, yes; he has had three or four.
- Q. Well, the last fire? A. Yes, sir; I remember that.

Q. Mr. McClave has testified here that all his books and check books, and return vouchers from the bank were destroyed by fire; do you know anything about the books, or check books, whether they were destroyed or not? **A.** No, sir; I have seen books in the office of the company from the fire; they were water-soaked and smoky and sooty and smutty.

Q. Was the writing on those books legible, or did you look in to the books? **A.** Albert, one of his sons; the bookkeeper was taking a copy of these burnt books into new books, the only time I saw them.

Q. Now, you spoke about making deposits for Mr. McClave; where did he give you the deposits to make? **A.** The deposits that I took to the Garfield Bank came from the lumber-yard office, and those that I made in the—and some of them went to the Bowery Bank; it came from the lumber yard, and I made some from police headquarters to the Bowery Bank.

Q. You made some from the police headquarters to the Bowery Bank? **A.** Yes, sir.

Q. Do you know anything about how he wrote his checks on his accounts on the Bowery Bank? **A.** Well, there was a personal account there that I know of, and I don't know how many accounts he had; he had more than one, anyway; he had a personal account, a business account, and, I think, he had a private account.

Q. Do you recollect observing the checks that he drew upon any account he had in the Bowery Bank? **A.** Yes, sir; the check that he gave me in that note that Mr. Nicoll has, was a personal check; he makes out the check and writes personal on the corner of it.

Q. Is that the Judd note? **A.** Yes; the Judd note; yes, that was a personal check of his.

Q. Well, you say you went to police headquarters and got from him deposits there; was there anyone with you? **A.** Yes; Pat used to drive.

Q. Who is Pat? **A.** Well, he is the collector and salesman of Mr. McClave's; he is a man that has been with him a long while; I guess he is one of the oldest people in his employ.

Q. Were you in the habit of going to police headquarters regularly, or by appointments or requests? **A.** Sometimes I would go there to see him on some business of my own and sometimes I would go there at his request; he would ask me—send word up stairs for me to go.

Q. Upstairs in the house? **A.** Upstairs in the house, or during the White Yankee he would send upstairs in the mill for me.

Q. Well, now, these times that you made deposits for him in

the Bowery Bank, did you receive checks from him to make deposits in the Bowery Bank? A. No, sir.

Q. Did you receive any money? A. No, sir.

Q. Well, then, what did you deposit? A. Well, he gave me a satchel, and I would take it down and get—

Q. What kind of a satchel; describe the satchel? A. It is a common handbag, a little black morocco thing, about so big (indicating).

Q. Who delivered that into your hands? A. Mr. McClave, generally—always.

Q. Where? A. In his office at police headquarters, and sometimes at the lumber yard.

Q. I speak now of the police headquarters transaction; was it the same bag, so far as your observation went? A. Always the same bag; yes, sir.

Q. Did he give you his pass-book? A. No; he did not give me anything except this bag, and say, "Take this around to the bank, Ed., on your way up."

Q. Take this account to the bank? A. Take this around to the bank, on your way up, and leave it to the lumber yard; in coming down town to police headquarters, I would go to the bank and put it in the window of the bank and make a deposit, and go back and drive to the mill.

Q. Was anyone with you when you made the deposits? A. Pat, Mr. McClave's man, was with me once or twice.

Q. Did you drive down from the police headquarters to the bank? A. Yes, generally; that was in the summer, when Pat was with me.

Q. What did you do when you got to the Bowery Bank—first, who drove? A. Pat.

Q. Did you get out of the wagon when you drove to the Bowery Bank? A. Yes.

Q. Left Pat in the wagon? A. Yes, sir.

Q. What did you do when you went into the Bowery Bank? A. Went up to the receiving teller and pushed the bag through the wicker-work there, and he would open it; I guess he knows it—he would open the bag and take the money out, and count it out and put it on a slip, and hand back the bag.

Q. What money would he dump out? A. Bills.

Q. Any checks? A. Sometimes; not many.

Q. The most of the deposits were money? A. Yes.

Q. Not bills; did you notice the denominations of the bills? A. Not particular; no more than I see one, two, or three, or five, or ten.

Q. Now, you are very clear, are you, that you received yourself, the black bag at police headquarters, of Mr. McClave? A. Yes, sir; I would receive it there, and also at the lumber yard.

Q. You testified here he never sent a deposit from police headquarters to the bank to any account he ever had; was that true? A. He may have brought that bag down from the lumber yard and left it in the wagon, and have him take it down; I have taken his bag from the office and from police headquarters; he may have had the bag in his wagon when he got there and taken it upstairs with him.

Q. He said he did not make any deposits from headquarters? A. I do not know whether the deposits came from the lumber yard.

Q. I want to know whether or not you received from him this bag on the several occasions, and with money in it, to take to the bank? A. Yes, sir.

Q. That money was constituted of bills? A. Yes, sir.

Q. Do you remember about the election time of President Harrison? A. Yes, sir; 1888.

Q. Yes; do you remember him saying anything about money at that time? A. He said he won considerable money on the election.

Q. Did he state who he had won it from? A. Only one person that I know of he said he had won money from.

Q. Who is that person? A. Colonel Brown, of the News.

Q. How much did he say he won of Colonel Brown? A. I think it was \$10,000 he won from him.

Q. Do you remember the policeman stationed at Thirty-fourth street ferry? A. You mean Myers?

Q. I think that was the name? A. Yes; I know him.

Q. Now, did you ever see Myers at the house? A. Yes, sir; he used to come to the house almost every Christmas morning.

Q. This policeman? A. Myers did; yes, sir; if he didn't come he would send.

Q. Used he to come there for any purpose? A. He always used to give Mr. and Mrs. McClave Christmas presents.

Q. This officer? A. Yes, sir.

Q. Did you ever hear him say why he gave them Christmas presents? A. No, sir.

Q. Did you ever hear anything said about Mr. McClave having him detailed there? A. He had him detailed there through Mr. Martin B. Brown; it was through Mr. Brown that he was detailed there.

Q. Do you remember any specific present you saw Mrs. McClave having received from this man Myers? A. Two, I think; one was

a silver jewel case and the other was a pansy with little diamonds in it; with diamonds in it and diamonds around the leaves.

Q. Did you hear Mrs. McClave say anything about the latter pansy? A. Nothing; only it was very pretty—or I suppose she said that—it was pretty.

Q. Speaking about presents, do you remember Mr. McClave ever saying anything about the Hollywood whiskey? A. No; I do not remember as having heard him say anything about the Hollywood whiskey; I do not know if he ever said anything about it.

Q. How frequently did he use to get Hollywood whiskey? A. Once a year or may be more.

Q. How did it use to come there if you know? A. Yes; he used to get a case of it around Christmas time; who sent it I do not know; he usually used to get a basket of wine from the New York Tribune.

Q. From the New York Tribune? A. Yes, sir.

Mr. Bradley.—A temperance paper too.

The Chairman.—I do not see that those little matters are of serious consequence, Mr. Goff.

Mr. Goff.—Why, of course, the wine might have been of light quality and would not be very serious in its effects.

Senator Cantor.—It's a very serious charge against the Tribune; that is all.

Q. Now, I hand you a number of deposit slips from the Bowery Bank; keep them in order, please; look them over and state in whose handwriting they are; keep them in order and look over each one? A. Can I take those out that are in his?

Q. No; because you disarrange them? A. There is one that is, and that is in here.

Q. Can you state—? A. What do you mean to do; to take up Mr. McClave's, those that are not.

Q. Those that are not in his handwriting; state whose they are? A. There is one there under date of July 10, 1886; the handwriting is not his; one of June 1, 1886, is Mr. McClave's.

Q. Run them through and when you come to one that is not his state it? A. There is one of Johnny's, July 10, 1886.

Q. Give the date of each one?

The Chairman.—They are all in Mr. McClave's handwriting except one or two.

Mr. Nicoll.—All in whose handwriting?

Mr. Jerome.—From Mr. McClave.

The Witness.—One of July 24, 1887, is in Johnny's handwriting.

Q. John McClave's? A. Yes.

Q. The son? A. Yes, that is John McClave, Jr., I do not know whose that is in.

Q. Name the date? A. September 4, 1888.

Q. You can state in whose handwriting that slip is? A. I can not say of one or two people; it was either Johnny's or Albert's.

Q. Either the writing of the son, Johnny, or the son, Albert? A. Yes, sir.

Mr. Nicoll.—What is this for?

Mr. Goff.—To identify these slips, the handwriting.

The Witness.—The one of October 2, 1889, is Steve's; that looks like mine; I do not know whose this is.

Q. Name of the date? A. February 10, 1890.

Q. Can you state in whose handwriting this is? A. It looks like my own; I don't know whose it is, if it is not.

By Senator Bradley:

Q. It looks like yours? A. Yes.

Q. Can you tell your own handwriting? A. Not on his name.

By Mr. Goff:

Q. That was before you were married, wasn't it? A. No, sir; that is 1890, February 10; I was married in 1887; I guess that is about all; August 13, 1892, is either Johnny's or Albert's; these are all marked personal account upon them; October 6, 1883, is Steve's; that is all.

By Mr. Goff:

Q. Then all the rest of the slips that you have examined are in the handwriting of Mr. McClave? A. Yes, sir.

Q. With the exception of the names that you have given and the dates? A. Yes, sir.

Q. Those are slips designated personal? A. Yes; those are slips designated personal.

By Senator Saxton:

Q. Do any of those slips you have just looked over and identified as in the handwriting of Mr. McClave, designate to what account they would be placed? A. Yes, all of them; personal account.

Q. They were all personal? A. Yes, sir.

By Mr. Goff:

Q. Is there anything further you wish to say that I have

omitted to ask you of? Nothing; only in regard to that Stilwell matter.

Mr. Goff.— Well, I don't care about bringing that up; it is not material to this inquiry.

By the Chairman:

Q. You testified you paid that gold certificate of \$100 that was received by you, to Mr. McClave? A. Yes, sir.

Q. What other payments did you make to Mr. McClave of money that you secured as the result of securing promotions and appointments? A. Well, there was that \$175 of Cohen that I mentioned.

Senator Bradley.— Speak out; the chairman can not hear you.

A. That \$175 of Cohen.

By the Chairman:

Q. When was that? A. That was in 1888 or 1890, or around there.

By Mr. Goff:

Q. That makes \$275; now what else? A. Well, there is quite a number down in the memorandum there.

Q. Do you mean that the bulk of the amounts shown on the memorandum and that was read to the stenographer is in evidence here was paid by you to Mr. McClave? A. No, sir; not direct; that Farnsworth business, one of those was paid to Kelly and the other was to —

Q. How do you know Mr. McClave got either one of these amounts? A. I do not know it.

Q. What other amounts except the ones you have mentioned were paid to your knowledge to Mr. McClave? A. Well, I can not recall any one, no particular one, now, unless my memory was refreshed by going back to this memorandum; I think the memorandum there, by the memorandum, that has been destroyed, all of the memoranda that are in that book there that you have got have been memoranda that I have made a minute of when that book was in my pocket.

Q. Give your best recollection of the number of times that you paid Mr. McClave money as the result of appointments and promotions on the police force, the number of times, and the amounts, the number of times? A. Well, in the neighborhood of half a dozen.

Q. Are these half-dozen times impressed on your recollection, or are you giving an approximate number? A. I can recall the

Cohen instance; I can recall the Ronk instance; I name that officer, I can not recall the name of the officer in connection with the servant girl, Martha Devery; I recall my being sent downstairs, and another one that called at the house and saw me in the kitchen.

Q. How much did they involve; the one you have just spoken of; how much money was there in that? A. Three hundred and thirty dollars, I think.

Q. And you paid the whole amount over to Commissioner McClave? A. Yes, sir; that was the whole amount.

Q. Now, the next one? A. Well, I can not state exactly when the next one was and whom the next one was.

Q. Anyone besides the one you have given; the one that this Martha Devery, that I have referred to; how much did that involve?

Senator Bradley.—Speak out.

Mr. Nicoll.—We ought to hear this.

The Chairman.—The Martha Devery, he says, is the one that he remembers; how much did that involve? A. Three hundred and fifty dollars, I think; about \$100, \$175, \$350, now, \$375.

By Mr. Nicoll:

Q. Who used the \$300? A. I do not know his name; I think it was down in the book in some place; it is in connection with the friend of the servant girls in the house; I was called down stairs about it.

Q. Well, leave the name out for the present; give us the fifth one? A. Well, I can not recall their names, either.

Q. Do you remember the amount of the fifth one? A. I do not; all the amounts ranged anywhere from \$50 to \$350 or \$400.

Q. And you say you remember about six? A. Thereabouts; may be more and may be less; there may have been a fifth one.

Q. Did you have any conversation as to the commissioners through which you had received the money that should go to the commissioners at the time you handed the money to the commissioners? A. The Ronk one, in particular.

Q. What did you say to him? A. I said Ronk was very much obliged.

Q. And when you handed the \$100 gold certificate? A. Yes, sir.

Q. And when you handed the commissioner the \$175? A. That was the one I left on George Richards' desk, marked "McClave, important."

Q. Did he ever acknowledge receipt? A. Yes, afterwards.

Q. What did he say? A. I have already testified to this before.

Senator O'Connor.-- It has been all gone over.

By the Chairman:

Q. What did he say? A. Well, he might have said I got it, or much obliged, and it was there.

Q. Don't say what he might have said, state what he did say? A. I can not recall what he did say; words to the effect that he had got it all right.

Q. When you paid the next amount to the commissioner, what did he say, or what did you say to him? A. I told him -- I always told him that there was the money whatever it was I paid him, and it was for such and such a purpose, and he always thanked me, and sometimes he did and sometimes did not.

Q. Did you tell him the services, when he received the money for which it was paid? A. I did in the Ronk business, and the corn business tell him that, and in the Martha Devlin case.

Q. Do you remember you did it in the other two cases you have mentioned? A. Most likely I did; I would not swear I did, or swear I did not; in all probabilities I did let him know where it came from, and what it was for.

Q. Do you remember having paid him any money which you did not state to him the source from which it was derived, and the purpose for which it was paid? A. Not unless it was left in an envelope with someone.

Q. And that you only remember on one occasion? A. Yes, sir.

By Senator Bradley:

Q. How much money did you pay the man Kelly altogether? A. That was \$200 and \$350.

Q. Only one payment? A. Three hundred and fifty dollars and \$280.

Q. Two hundred and fifty dollars and \$280? A. Yes, sir.

Q. You paid to Kelly? A. Yes, sir.

Q. How much money did you give from Bradley for his appointment? A. I don't know; it seems to me that Bradley was this Martha Devery business.

Q. Martha Devery was the go-between there? A. No; she was not; she came upstairs and --

By Senator O'Connor:

Q. You testified here that McClave said to you one time it is

best to have these things go through some other source, and not through you; why did you, on a half a dozen different instances, personally give this money to McClave, and on other instances on which you say you received this money, go to this indirect way of giving? A. Well, sometimes I wanted some of it myself.

Q. That is the only explanation of it? A. Well, no; it was not; other times I did not see anybody to give it to; and other times I would see them.

Q. On which occasion was it? A. On the first time you paid McClave money direct, did he suggest a better way to do a thing of that kind was to do it to a third person? A. He said, "Never have any writing, and hand in money, so anybody can see it."

Q. The first time he gave it? A. Yes, sir.

Q. In view of that instruction, why did you, on five different occasions, personally pay this money? A. Either because I did not see anybody to give it to them to go to Mr. McClave, or I had been instructed to give it to them on those particular occasions.

By Mr. Goff:

Q. Or that you wanted some of it myself? A. Or that I wanted some of it myself.

Q. Now, about Martha Devery; I ask you if that was not the case of Officer James P. Cahill? A. That is not the name, I don't think.

Q. Do you remember an officer of the name of Cahill? A. No; I don't think I do.

Q. Do you remember? A. I know that was not the name of the Martha Devery case, because it began with a B, if I am quite sure.

By the Chairman:

Q. Didn't you testify at the first hearing before this committee that you had only given Commissioner McClave money on one occasion? A. I think not, sir.

By Senator O'Connor:

Q. Directly, personally? A. I think not.

By the Chairman:

Q. Directly, personally? A. I think not.

Senator O'Connor.—Did he say, "Thought not?"

The Chairman.—I think not.

By Mr. Goff:

Q. Now, Mr. Raines was here, and Mr. Raines testified he never met you, and never saw you; what have you to say to that? A. Nothing, only that he has seen me, and he knows me, too; Canandaigua is only a town of 5,000 inhabitants, and I was brought and lived there until I was 15 or 16 years old, and I went to school with his boy, and ate at his house; I know him himself as well as I know my father, and he knows me.

Q. It is true you did meet him in the Morton House in New York? A. I did meet him in the Morton House.

Q. And received money from him for the appointment of this man on the force? A. Yes

By Senator Cantor:

Q. You received the money? A. No, sir; he received the money and he gave me the money for the appointment; the man gave me the money to give to Raines; the money was sent down from Canandaigua by Charlie Lapham.

Q. To give to Congressman Raines? A. No; I met Congressman Raines at the Morton House to have him go to see this man that was appointed on the force.

Q. What was the money transaction between you and Mr. Raines?

By Mr. Goff:

Q. Tell them from the beginning to the end? A. I met Raines at the Morton House by appointment; I think the amount was \$350 that he gave me.

By Chairman Lexow:

Q. That Raines gave you? A. Yes; \$350 that Raines gave me.

By Mr. Goff:

Q. That Raines gave you? A. Yes, sir; and I took it, too—that is the Kelly matter; that is the Farnsworth business, I think.

By Senator O'Connor:

Q. Why did you not give that money direct without going to Kelly? A. Kelly was the go-between in the Nineteenth Assembly district.

By Chairman Lexow:

Q. When you had this personal relation with Commissioner

McClave and Commissioner McClave was supposed to do the business, why didn't you give the money directly to Commissioner McClave instead of going through Kelly? A. I was told not to by Mr. McClave.

Mr. Ransom.—What is that answer?

The Witness.—I was told not to by Mr. McClave on two or three occasions, more than one; and on other occasions he would say you can bring that to me.

By Senator Cantor:

Q. Do you say Congressman Raines gave you \$300? A. Yes.

Q. Didn't you swear when you were here before that Congressman Raines, at the Morton House, had given the money to Commissioner McClave? A. That is what I said,

Q. How do you reconcile the two statements; now, you say you took that from Congressman Raines and gave it to Kelly?

Mr. Goff.—No; the witness says the money he got from Congressman Raines he gave to Kelly.

Senator Cantor.—The testimony, as I understand, was that Congressman Raines told him he had given the money directly to McClave, and that is what Congressman Raines denied.

Senator O'Connor.—If Raines gave it directly to McClave, how could Granger get it back to give to Kelly?

Mr. Goff.—Not very well, if that be so.

By Mr. Nicoll:

Q. Do you remember—on page 1212, "State to the court what you know?" "A. That was done through Congressman Raines, of Camandaigua. Q. To whom was the money paid? A. Direct to Mr. McClave, I understood. Q. From whom did you understand that? A. Congressman Raines himself."

Senator Cantor.—That was my recollection of that.

Mr. Goff.—He says, to whom was the money paid? He states he received the money directly from Congressman Raines.

Senator O'Connor.—He also says that he paid that money to Kelly as the go-between, and in the former testimony he said it was paid directly to McClave.

Senator O'Connor.—Let us get what he says now. I think there was a confounding of two cases. There was the Farnsworth and McDonald case; were there not two cases?

Mr. Goff.—Yes; Farnsworth and McDonald.

By Mr. Goff:

Q. What was the case that Charlie Lapham sent the draft to you? A. That was the McDonald case.

Q. Was it the Farnsworth case Mr. Raines was interested in?
A. Mr. Raines was interested in both of them, I think.

Q. State now your recollection of the transaction with Mr. Raines at the Morton House? A. I met him by appointment there; I had a telegram from Canandaigua, telling me to meet him there the next morning, and I met him there on that morning, but I think I met him in the evening; I think the telegram came from Charlie Lapham and Mr. Raines was to be at the Morton House, at such a time the next day to meet me; and I also left a note at the Morton House, and said I would meet him that night about dinner time, and I was to see him about whether it was the McDonald case or the Farnsworth case I do not bring back to my mind now, anymore than I did then; I know that one transaction I did have with Mr. Raines, Mr. Raines said he did have the amount to give to Mr. McClave, and another transaction I did have with Mr. Raines, was the money I got transaction.

Q. There were two transactions? A. There were two transactions I testified before, two weeks ago; one transaction Mr. Raines said he gave the money to Mr. McClave, and another I got the money from Raines and paid it to Kelly, all except a draft of \$30 or \$50; Charlie Lapham says it was \$30.

Q. That was for the doctors, wasn't it? A. Yes, sir.

Q. Was that Dr. Nesbitt? A. I think not.

Q. Dr. Nesbitt is one of the sergeants; wasn't he connected with some of your appointments? A. Nothing; except one man I sent down to Dr. Nesbitt, had been rejected on his disordered system, that I referred to before, that was the only one.

Q. Did Dr. Nesbitt pass him when you sent him down? A. No; Dr. Nesbitt said he would do what he could for him; I believe he gave him some medicine for his blood.

Q. Dr. Nesbitt was the family physician of Mr. McClave, wasn't he? A. Not exclusively; there was Dr. Ewing was also one.

Q. Do you remember one Sunday morning seeing Mr. McClave in the bathroom of his house? A. Well, yes; I have seen him there, but I don't know in what relation.

Q. Do you remember whether a policeman in citizen's clothes called at the house one morning, and gave you a package for Mr. McClave? A. Well, no; I do not bring that back now.

Q. Do you remember anything in connection with Inspector William's trial, about the time of Inspector William's trial? A. No, sir.

Q. Do you remember a wardman of the name of Burns calling upon you at any time? A. No; he never called upon me; I know a wardman of the name of A. Burns, of the Nineteenth precinct; he did not call upon me; he called on Mr. McClave several times.

Q. Do you remember any conversation between yourself and Mr. McClave about money that Mr. McClave said Inspector Williams had gone from him and paid him back? A. No, sir; I can not remember that.

Q. Do you remember handing an envelope to Mr. McClave one morning in the bathroom? A. I do not remember whether it was a Sunday morning; I remember that one morning this officer came up to the house, and wanted —

Q. Which officer? A. Officer Burns.

Q. This wardman you speak of? A. Yes; he is wardman now; he came up to the house and wanted to see Mr. McClave; I think it was Sunday morning; I was going to my breakfast, and I went up into the bathroom or library and told him Burns wanted to see him down stairs, and I think he went down to see him.

By Senator Cantor:

Q. Whose wardman is Burns?

Clairman Lexow.— Williams'.

Senator Cantor.— Inspector Williams'?

The Witness.— He is in the Nineteenth precinct; I don't know whose wardman he is.

By Mr. Goff:

Q. Do you remember Mr. McClave saying anything to you about his visit, or about his having brought a message from Inspector Williams? A. No, sir; I don't recall anything now that he did.

Cross-examination by Mr. Nicoll:

Q. I understood you to say in answer to the question of the chairman, Mr. Granger, that you had paid Mr. McClave money on five different occasions yourself? A. On, or thereabouts, I said.

Q. Now, please state when the first occasion was; the date of it about? A. The Cohen matter was the first.

Q. In the Sol Cohen matter you received money from Cohen? A. Yes, sir.

Q. And you paid it to McClave? A. The \$30 you asked me about on the first examination here.

Q. I say, did you pay the Cohen money to McClave? A. Yes, sir.

Q. Direct? A. The \$30?

Q. The \$300. A. Yes.

Mr. Goff.— But \$30.

By Mr. Nicoll:

Q. You paid all but \$30? A. No, sir; I say, the \$30.

Q. You paid him the \$30; what did you do with the rest? A. I left it on George Richards' desk, as I stated before, marked Mr. McClave, and marked important.

Q. But you did not pay Mr. McClave any money but \$30 on that occasion? A. That is all.

Q. When was that? A. That was at the time of those letters, the date is there.

Q. Tell us the time? A. I think it was in 1888.

Q. What? A. I think it was 1888 or 1889.

Q. Well, when in 1888? A. Along in November, around the fall of the year, I think.

Q. In November, 1888, you paid Mr. McClave the sum of \$30; now, was that the first payment? A. That is the time that he made his second application; what that date is I do not remember.

Q. Was that the first payment? A. No, sir.

Q. That you ever made to Mr. McClave? A. That was the first payment I ever gave to Mr. McClave; yes.

Q. Now, that was in the Cohen transaction? A. That was in the Cohen transaction.

Q. When was the second; state the date and name of the persons concerned, and the amount of each occasion? A. In the second one, I think it was this—it was either Farnsworth or McDonald; I do not know which one.

Q. Which one was it? A. If it was the McDonald one—

Q. Don't say that way. A. It was either one or the other; I don't recollect which it was.

Q. When was it? A. It was in the spring of the year.

Q. What year? A. The year he went to California.

Q. That is 1892? A. Yes, that is, if it was the McDonald one; if it was the Farnsworth case, it was the one before.

Q. Did you pay money directly to Mr. McClave in the Farnsworth case, yourself? A. No, sir.

Q. I ask you to tell me the second case, where you paid money to Mr. McClave yourself? A. Well, I think it was the McDonald one.

Q. What was it? A. McDonald.

Q. When was it? A. The spring of the year.

Q. The spring of what year? A. The year he went to California, I think.

Q. The spring of the year 1892? A. Yes.

Q. Did you pay Mr. McClave yourself in the spring of 1892 money in the McDonald case? A. Yes, sir.

Q. How much money? A. I paid him either that draft, which was either thirty or fifty dollars, and I paid him the balance, which was \$200.

Q. What did you pay that in? A. In bills—no, the draft, the thirty and fifty dollars was in a draft.

Q. The balance between the total amount, and the amount of the draft you paid him in bills? A. Yes, sir.

Q. It was in the McDonald case in the spring of 1892? A. I am quite sure.

Q. Between 1888 and 1892, had you any transactions with Mr. McClave? A. Well, this Ronk—no, this Ronk business came in between there, this \$100 certificate business.

Q. Then Ronk would be the second case, \$100? A. Yes, Ronk would be the second case; that was not an appointment though.

Q. That is the case of a police officer who made an arrest? A. Of a police officer.

Q. And the third case is McDonald? A. Yes, sir.

Q. What is the fourth case, stating the date, the person and to who paid, whether in cash or bills? A. The fourth case was the case of Burke; that is the officer's name, I think now.

Q. Who? A. Burke.

Q. When was that paid? A. That was paid in bills at 124 West Seventy-second street.

Q. That is, you paid it yourself? A. Yes, sir; I did.

Q. In bills to Mr. McClave, at his house? A. Yes, sir.

Q. When was it? A. That was just after we got back from the country.

Q. In the fall of what year? A. In the fall of 1892.

Q. In the fall of 1892? A. Yes, sir.

Q. Well, what was the fifth case? A. I don't know the fifth case; I don't think I stated the fifth case.

Q. Are those all the cases? A. That is all I recall to my mind now; yes, sir.

Q. Those four? A. Yes, sir.

Q. And on those four different occasions you paid Mr. McClave yourself in cash or bills or checks for the men you spoke of? A. Yes, sir; I say those; I do not say the Cooper transaction; that was paid in a check.

Chairman Lexow.—You heard that, Mr. Nicoll.

Mr. Nicoll.—I did not hear it.

Chairman Lexow.—He did not include the Cooper transaction, which was paid in a check.

By the Chairman:

Q. That was the very first, wasn't it? A. Yes, sir.

By Mr. Nicoll:

Q. Did you pay in check to him? A. Yes, sir; took it up to police headquarters and gave it to him myself.

Q. I now call your attention to your testimony given before this committee when you were last on the witness stand, page 1202:

"Q. But you handed him these several amounts of money always, or checks or whatever came to you? A. I did not say I handed Mr. McClave any money; I have not said so right along.

"Q. Did you? A. No, sir.

"Did you ever hand him any money? A. Only money I owed to him.

"Q. You testified you handed him a check? A. I hardly think so."

Q. Is that testimony true? A. No, sir.

Q. That testimony is false, is it? A. If what you say there—

Q. That is on the record, yes; this testimony is false, is it? A. If what you read there is so.

Q. I am reading from the stenographer's minutes; did you know it to be false when you swore it? A. No, sir.

Q. Did you swear to it without knowing it to be true? A. Probably I misunderstood the question; I might have, when I was asked it.

Q. You could not understand the question of this sort; did you? You volunteered a part of that answer, "Did you ever hand him any money? A. Only money I owed him."

Mr. Goff.—That was in reference to this Cooper transaction.

Mr. Nicoll.—I beg your pardon.

Senator O'Connor.—The record will show.

By Mr. Nicoll:

Q. That testimony was false, was it? A. If what you say there is so.

Senator O'Connor.—The record shows that testimony if it was true.

By Mr. Nicoll:

Q. Did you intend to swear falsely? A. I have said no once.

Q. You did not; and is the testimony you have given to-day true? A. The testimony so far as the \$200 check from Cooper, Whitehouse, New Jersey, is true; I gave that to Mr. McClave himself.

Q. Is the testimony in regard to the payment of moneys to Mr. McClave, that you have testified here to-day, true or false? A. It is true, as far as the money goes; I would not swear to the dates or year; so far as the money consideration is concerned, it is right.

Q. Then you have handed him other moneys than money you owed him; is that true? A. You may call that owed money, if you want to.

Q. Now, I think I heard you say, in answer to the questions put to you by Mr. Goff—you testified, I think, in answer to the questions of Mr. Goff, that you had been out of the State? A. Yes, sir.

Q. In a condition of fear since your appearance before the committee, and that you had never authorized any one to communicate with me in reference to your business? A. Yes, sir.

Q. Is that true? A. That is true.

Q. Did you never, after you left the State, authorize any one to visit me on your behalf? A. No, sir.

Q. Did you never give any one a message to take to me? A. A written message?

Q. Written. A. No, sir.

Q. Are you sure about that? A. I know it.

Q. What? A. I know it.

Q. Look at the paper which I now show you, and state whether it is in your handwriting (handing witness paper)? A. All is in my handwriting, excepting "Delancey Nicoll or John McClave."

Q. And isn't that in your handwriting, too? A. Which one?

Q. "To Delancey Nicoll or John McClave"? A. No; it is not.

Q. Do you swear that neither "Delancey Nicoll or John McClave" is in your handwriting? A. I do.

Q. I will read this to you: "To Delancey Nicoll or John McClave.—I hereby authorize my counsel, S. J. Stillwell, to make any arrangements for me, and I will stand by it. Gideon Granger, May 24th, 1894." Did you write that? A. I wrote the bottom of it; I did not write the address, "To Delancey Nicoll," or the address, "To John McClave;" I saw Mr. Stilwell myself, and told him to come and see Mr. Goff.

Q. You told him what? A. I told him to go and see Mr. Goff, and I said I would give him a card to Mr. Goff, and if everything was right for me to come back and take the witness stand, I would do it; that is what I said.

By Senator O'Connor:

Q. Do you claim the words "To Delancey Nicoll or John McClave" is not the same handwriting as the rest of it? A. It is not in my handwriting.

Q. Is the rest of it yours? A. "Gideon Granger" is.

Q. Is all but the two top lines in your handwriting? A. No, sir; that is the only handwriting there.

Q. The only handwriting is your signature? A. That is the only signature I have got.

Q. The witness now states that none of that card is written by him except the signature of Gideon Granger, is that so? A. That is the only handwriting I have got down there is my name, in my handwriting.

Senator O'Connor.—It is evident the body of the card is one handwriting, and the signature another; that is the reason I asked the question.

Mr. Ransom.—The witness did not say that.

By Mr. Nicoll:

Q. Is the signature in your handwriting? A. It is; yes, sir.

Q. Haven't you just sworn it was all in your handwriting except Nicoll and McClave? A. If I swore it, I meant to say I authorized Mr. Stilwell to go and see Mr. Goff; I suppose that is what Mr. Stillwell put on.

Q. Did you see that before you signed it? A. I told him to go and see Mr. Lexow or Mr. Goff, or my father, and if it was right for me to come back and testify I would do it.

Q. Did you not see the card when you signed it? A. I certainly saw it; I don't know that I read it or not; I know I was very nervous at the time.

Q. When you put your signature to that card, did you see the writing on it? A. I may have seen the writing; undoubtedly I did see the writing; but I don't think that was at the top when I did see it.

Q. Well, is the body of the card in your handwriting? A. No, sir, it is not.

Q. It is not? A. No, sir.

Q. And is the signature in your handwriting? A. Yes, sir, that is all it is; that is not a very good signature either.

Senator O'Connor.—He says the writing was on when he signed it.

The Witness.—I don't know that I read it; I may, and may not.

By Mr. Nicoll:

Q. Didn't you authorize Mr. Stilwell to call upon me or Mr. McClave with this card? A. No, sir.

Q. And didn't you tell Mr. Stilwell that you had met Mr. McClave at a saloon on the corner of Fifty-ninth street the day you left the witness stand, and that he had promised to give you a thousand dollars, and didn't you instruct him to come to

me and make those arrangements? A. No, sir; and I do not believe he ever said it to you; Mr. Stilwell says he did not anyway.

Q. "I hereby authorize my counsel, Mr. Stillwell, to make any arrangements for me and I will stand by it;" was not the arrangements the payment of the thousand dollars consideration for your going away? A. No, sir; the arrangement was that you and Mr. McClave was not going to prosecute me as you claimed you were going to do, and I would come back and tell what I knew about McClave.

Q. And that is what you meant by, "make arrangements for me, and I will stand by it?" A. Yes; and I will stand by it; I have stood by now what Mr. Goff says.

Q. Why did you sign this card? A. I signed it in Indemere, down on the sound.

Q. When? A. Last week, Wednesday—no, two weeks ago Wednesday.

Q. The day on which it is dated, the 24th day of May? A. Yes; that was the date it was sent; that was either on Wednesday or Thursday; I do not recall now which day.

Q. Who did write the body of the card? A. Frank Broadhead.

Q. And was it Broadhead who wrote the caption, "Delancey Nicoll or John McClave?" A. I don't know whether he did or not.

Q. Wasn't you with Broadhead? A. I was with Broadhead, and with Stilwell, and with Weber.

Q. When the card was written, who was present? A. Mr. Broadhead, and Mr. Stilwell, and Weber and myself.

Q. Where was it written? A. Down at Mr. Weber's hotel at Indemere, a little ways out from Mount Vernon, on the sound.

Q. And in a room in his hotel? A. In the dining-room, the public room, nobody there but we.

Q. And Mr. Broadhead wrote the card in the presence of your friends? A. Broadhead turned to Stilwell and said, "You go down and see Mr. Goff to-morrow if you can, because I can not go."

Q. Broadhead wrote the card in your presence? A. I think it was Broadhead or Stilwell, I can't remember which.

Q. Broadhead wrote the card, or Stilwell, in your presence? A. Yes, sir.

Q. And you signed it? A. Yes, sir.

Q. And in the presence of Stilwell and Broadhead and yourself and Weber, this card was written and prepared? A. A portion of it; I do not think the top of it was on when I see it.

Q. Do you believe Mr. Broadhead and Mr. Weber intended to deceive you in regard to the caption of the card? A. No; I do not.

Q. Do you believe that they wrote in "Delancey Nicoll or John McClave," intentionally, and against your wishes? A. I don't know whether they did or not; I don't know that this is the same handwriting; I don't think Delancey Nicoll or John McClave was on that card when I signed it; I don't know; you might have written that on that card for all I know.

Q. Haven't you just stated you wrote the card? A. No, sir; I have not.

Q. Or signed the card at this hotel, at this place, and it was written by one of these gentlemen in your presence? A. Yes, sir, I did; I signed that card in these three gentlemen's presence; whether all was on that card that is on it now, I can not tell.

Q. You were all three together? A. We were all four together; you can easily find out whether that is true.

Q. Don't do any testifying; you will probably have all you want before we get through.

Senator O'Connor.—No controversy between witness and counsel, except in question and answer.

Mr. Nicoll.—I would like you to admonish the witness to that effect.

Senator O'Connor.—I will so instruct the witness. Just answer the questions put to you, and no talking back to the counsel.

The Witness.—I shall not.

By Mr. Nicoll:

Q. In the year 1891, you were at work where? A. Eighteen hundred and ninety-one; what part?

Q. In the spring of 1891? A. I think it must have been the White Yankee.

Q. That was not formed until March, 1893? A. Well—

Q. Where were you at work in the spring of 1891? A. Produce commission business, post-office.

Q. When did you leave the produce commission business? A. I think it was in October, the latter part of October, either 1889 or 1890, around there.

Q. During that time, you were living free of board at Mr. McClave's house with your wife and children? A. With my wife and child.

Q. Now, during the spring of 1891, were you not discharged from the post-office? A. No, sir.

Q. Were you not removed from the post-office? A. No, sir.

Q. What? A. No, sir; I left the post-office.

Q. I understood you to say on your direct examination that you resigned from the post-office? A. So I did.

Q. Look at the paper which I now show you, and state whether or not that is the notice that you received in February, 1891, at the time you left the post-office? A. I never got a notice, so I could not say.

Q. That is addressed to you, isn't it? A. Well; probably it is — well, what is addressed to me down here probably it was opened by Mr. McClave, if anything of that kind was said; he usually opened all my mail.

Q. I will read this to you.

Mr. Goff.— One moment. He says he never saw it. Now, why should it be put on record?

The Witness.— If it has been addressed to me, I never had it, and would not have been foolish enough to give it away.

The Chairman.— Don't read it until you offer it in evidence.

Mr. Goff.— I object to that; there is no proof of the authenticity of this letter. The proof is the witness never saw it or received it.

The Chairman.— Objection sustained.

Mr. Nicoll.— That is not a proper ground of objection.

The Chairman.— Sustained.

Mr. Nicoll.— Sustained without consideration?

The Chairman.— If he has never received the letter, unless you prove the authenticity of the letter; you can not break down this witness's testimony by showing a letter he never received; and there is no proof before us that he ever received that letter.

By Mr. Nicoll:

Q. During the spring of 1891, did you not pass off several bad checks? A. I don't know that I did.

Q. Which Mr. McClave took up for you? A. I don't know that I did.

Q. Do you deny that you did? A. No, sir.

Q. Do you admit you did? A. No, sir.

Q. Did you not, during the spring of 1891, forge certain checks, which Mr. McClave took up for you? A. I don't know that I did.

Q. Will you swear you did not? A. No, sir.

Q. Look at this letter which I show you, and state whether or not that is in your handwriting; look at the signature; state whether the signature is in your handwriting? A. Yes, sir; the signature is.

Q. Is the body? A. Yes, sir; that letter was sent all right.

Q. That is yours: "Charles Meyers: Dear Sir.—The check you kindly cashed for me on deposit I fear will be returned marked N. G. Smith gave me his due on the 20th, and one for \$69. The check for \$69 was returned this morning; I presume the one you have will turn out in like manner. Did you ever see such damned luck? I will be to-morrow night to take up. Please hold for me \$69. Straps me to-day. I am very sorry, and trust it will not inconvenience you. I am, very truly yours, G. Granger. Excuse haste and paper."

Q. Did Mr. McClave take that check up for you? A. I don't know.

Q. Look at this check which I show you; state whether or not that is the check, and whether or not it was taken up for you by Mr. McClave? A. Yes, sir; but I did not forge any name there; that signature on the back is all right; I did not make that check.

Q. This is the check referred to in the letter which I have just read to you, is it? A. I don't know whether it is or not; it refers to a check of \$20 in that letter; I do not know whether that is the check or not.

Q. State now, to the best of your recollection, as to whether or not that is the check which was referred to in that letter? A. That I can not tell, only from the fact that Meyers' name is indorsed on the back of it.

Q. That is the name of that man Meyers to whom your letter is addressed is indorsed on the back of the check? A. Yes; the same name; I don't know whether it is Meyers' signature or not.

Q. Did you not observe that the date of the letter which we have had was April 3d, and the date of the check was March 27th? A. I did not notice that.

Q. Does not that refresh your recollection as to that being the identical check? A. I don't think that is like that; that would refresh my recollection, if you say it is the check; I would as lief take your word for it.

Q. During the year 1891, didn't you, on several occasions — several other occasion — pass off other bad checks, the signatures of which had been forged by you?

The Chairman.—There is no evidence yet that there is any forgery there. There is no evidence of forgery yet. You are assuming the signatures are forged.

Mr. Nicoll.—I am asking him whether he did not do that.

The Witness.—I have not answered that question before, Mr. Nicoll.

Q. Isn't that a fact? A. No; I do not say so.

Q. Isn't it a fact that Mr. McClave, during the period from 1891 down to some time in the spring of 1892, on very many occasions, took up checks for which you had given outside parties? A. Mr. McClave has taken up some checks; but those checks Mr. McClave has taken up; Mr. McClave has known as much about it as I have; and every check that Mr. McClave has got there, has been paid off; all of them has; every one.

Q. Do you deny that during that period, from 1891 down to the spring of 1892, you over and over again — ? A. What is that?

Q. Do you deny that during that period of time, 1891, down to the spring of 1892, that over and over again, Mr. McClave took pay for those checks which you had forged? A. No, sir. —

Mr. Goff.—Objected to. Well, he has answered now.

The Chairman.—It has been answered.

Q. Look at the letter which I now show to you, the signature of it, and the body of it, and say whether it is in your handwriting; do not go through it, but just look at it; look at the body of it? A. I see my signature there.

Q. It is the body in your handwriting; is it not? A. Yes, sir; what is the date of that, Mr. Nicoll?

Q. The spring of 1892—May 13, 1892; I will read it to you, "New York, May 13, 1892. Dear father:" That was Mr. McClave, wasn't it? A. I think so; it might have been him or might have been my other father.

Q. "Clara has bidden me write you;" Clara was the name of your wife, wasn't it? A. Yes.

Q. "Not for your forgiveness nor mother's as that I could not ask?" A. Nothing to forgive.

Q. "I can hardly imagine the utter contempt I am held in, in your family feelings nor the humiliation and disgrace which I have caused you all to be submitted to. The Linden check was dated in December, and I used that money in paying for the gold thimble I bought for the children to give Clara. The Budd check was drawn in March before your last talk to me and which I intended to take up. The Michelson check is the only wrong check I have used since and that, too, was dated prior to my visit to you at police headquarters. I am ashamed to meet you as I well should be but not afraid. I write not to ask you for further lenience towards me but as I have for the last time sinned and lied no matter what the cost may be to me I only want to ask your permission to be with Clara and the children while you are in the city. And as soon as you go to the country for the summer I shall stay in the city and live down the stigma and disgrace I have caused and by the time you return in the

fall prove to you and the world I am a man and God is my witness to this. I shall be at the factory all the morning to await your reply. Ever your loving son-in-law.

“GIDEON GRANGER.”

Q. Were those three checks that you have mentioned not three of the checks which Mr. McClave had taken up, and which you had forged the signature upon? A. I don't say that I forged the signature upon any of them.

Q. Do you deny it? A. I do not affirm it.

Q. Do you deny it? A. No.

Q. When you wrote to Mr. McClave saying, “I can not hardly imagine the utter contempt in your family feelings nor the humiliation and disgrace which I have caused you;” did you not mean the fact that you had caused them humiliation and disgrace by passing of forged checks? A. No, sir; I did not have the idea at that time.

Q. What do you mean? A. Mr. McClave has oftentimes accused me of gambling and drinking, and going around drinking with fellows.

Q. And when you say, “I can not hardly imagine the utter contempt I am held in your family feelings nor the humiliation and disgrace which I have caused you all to be submitted to and then you say “The Linden checks was dated in December” and “The Budd check was drawn in March.” and “The Michelson check is the only wrong check I have used since, and that, too, was dated prior to my visit;” do you deny that the humiliation and disgrace had reference to these forged checks; do you deny that? A. The forged checks; I do not admit anything; the inference that is in that letter is that that is what it was written about.

Q. Is it not the truth that was the reason you was in disgrace? A. I don't know that it was; I do not uphold myself as being an angel; I say I don't uphold myself as being an angel in doing everything in my past life; I know lots of the rest that are not in the same way either, lots of them; I know there is lots of things that I have done that has been wrong, and I sometimes — I know lots of things I have done that were wrong; that don't impeach me, however.

Q. Let me read you this; didn't Mr. McClave, as a matter of fact, take you back into the family after reading that letter? A. No, sir; because I was never turned away.

Q. Didn't he forgive you in response to your urgent appeals to that letter? A. I do not know; I do not think I asked for forgiveness in that letter; I always lived with him up to the 22d of February, 1894.

Q. And didn't he after that, in the month of July, ask you to make a list of all your bad checks? A. I don't think that he did.

Q. And didn't you, as a matter of fact, make a list of all your bad checks, and didn't he then take them all up for you in July, 1892? A. No, sir; I don't think he did.

Q. Look at that letter; look at the body of the letter, and your signature; look at the signature and the body of it? A. I do not see any checks there.

Q. You are not to worry about the contents; is the body in your handwriting, and the signature in your handwriting? A. Yes, sir; and the signature is in my handwriting; I will say before you read that Mr. Nicoll, that all the checks that Mr. McClave has got in his possession, that he claims to have in his possession, have all been paid off, every one of them; and it is a miraculous thing to have all those notes saved and all the rest of the checks burned.

Q. Listen to this, "My Dear Father: I have not got all the bills or notes, but those I have not got I shall try and get to-day. F. Bechstine & Son is at 157-9 and 61 West street. The correct amount of this is \$9.20. William Heath, 254 West Fifty-seventh street. This is a note dated May 27, for 30 days."

The Chairman.—What is the date of that letter?

By Mr. Nicoll:

Q. "July 25, 1892. J. R. Gallagher, Rockingham, Broadway and Fifty-sixth street; this is also a note for 30 days, dated June 7th. J. E. Garner claims I owe him \$50, but that is not so. His address is at 143 West Twenty-sixth street, and all he is entitled to is half of what I got, and I got \$50, so his share is \$25. J. D. Grady's is for 70 lbs. brass polish. His address is 438 West Thirty-first street. Budd's bill you say you have. A. Steadman was the boy working for me, and I owe him four weeks' pay at \$4.50, \$18. I will give you his receipt for that, as I could not very well get a bill. I will go to the clerk's office to-day and get what you asked for. Henry Seibert and Baird bills I inclose. I also inclose you a statement of money owed me. I am, lovingly, Gid."

The Witness.—Where are the checks in that.

Mr. Nicoll.—Will you instruct the witness not to ask me questions.

The Chairman.—Do not ask the counsel questions. Answer his question.

Senator O'Connor.—Are those checks in that paper dated? Were they prior or subsequent to this fire at which Mr. McClave claims his books were destroyed?

Mr. Goff.—Prior.

By Senator Saxton:

Q. When was the fire? A. April 12, 1893.

The Chairman.—How do you account for it; these checks are produced and the other checks not.

Mr. Goff.—That is what we would like to have Mr. McClave explain when he comes on the stand.

By Mr. Nicoll:

Q. Look at this letter which I show you and state whether it is in your handwriting? A. Yes, sir.

Q. "Dear Father.—I have made out the list you wanted me to and send it herewith inclosed; if you want me to come down I shall, but I thought you might suspect me after my promises made yesterday of taking Annie's money when I did not, and could not, as I was not in the house;" what promises did you make him the day before? A. I do not know at that time; I do not know what promises they were; I have made him several promises, and he has made me lots of promises; probably I broke the promises to him.

Q. Didn't you over and over again make him promises to keep straight, not to pass off bad checks, not to drink? A. I have made him promises—no; I don't think I have.

Q. Haven't you over and over again done that? A. No; because I have drank with him.

Q. Haven't you over and over again done that? A. No; how could I; no; I have not.

Q. You have not? A. No.

Q. Haven't you promised over and over again in writing not to touch another drop of liquor in your life?

Mr. Goff.—Objected to; let the writing be produced.

The Chairman.—Objection susutained.

Q. Haven't you promised him over and over again not to take a drop of liquor in your life? A. I have made promises; I told you that; I have not promised him over and over again, though.

Q. Look at this letter; state whether or not that is your signature? A. Yes, sir.

Q. That is your signature? A. Yes; what is the date of that, Mr. Nicoll?

Q. It is late? A. 1894.

Q. "Hon. John McClave: My Dear Sir.—Please do not get angry and destroy this long letter before you have finished reading it; I wish to be the first one to tell you of the news that will gladden you, although it breaks my heart; I have

authorized Mr. Jerome to withdraw my answer;" that was done, wasn't it? A. No, sir; it was not; "and to allow with no defense Clara's case to go by default; it is not only from the innocence of the charge that I fought as hard as I could and as long as my meagre means would allow me; but it was for my great love for Clara and our children."

Mr. Goff.—Will you read the whole of it, Mr. Nicoll?

Mr. Nicoll.—There are certain personal matters that do not relate to Mr. McClave.

Mr. Goff.—Will you submit it to me, please?

The Chairman.—That is all to be read if it goes in evidence.

Mr. Nicoll.—I will read it all.

The Witness.—I know what the contents are.

Mr. Nicoll.—I will read it all. "But it was for my great love for Clara and our children that I fought as hard as I could. I have loved them as no man could love but those placed in the same position I was — my whole life and sole was raped up in them. She is as dear to me now and I love her just as much as I did on December 31, 1887. In letting the case go by default I do so on the grounds which time will not permit me to mention. It is a hard lesson for me to learn and I now know it. That there is nothing harder for one to go through than to be separated from those he loves most dearly and the very air they breathe and ground they trod on is precious to me and I love it — their figures haunt me both day and night. Still I deserve a punishment but I had hoped one not so severe as this one. I want to, my dear sir, thank you most humbly and penitently for all you have done for me for every act of generosity and kindness you have ever shown me you have my thanks and may God bless you and keep you all happy. Words can not express my meaning when I say I am sorry for the troubles I have caused you and of the heartaches I have given Clara. All my wicked acts and foolish things were done when under the influence of liquor and I curse it — and as long as I live, never shall I touch it again. I have not drank one drop of liquor since I have been with Smith, Gray & Co., — my new employers and the best place I ever had. I enclose you a letter from Mr. White which will, I hope, corroborate the statement I am about to make. And in a letter I will mail Clara to-day I shall send her an order to get the policy from my brother in case of death, the reason of my keeping it is to pay the premium, or I had just as leave turn it over to you. I have had my life insured in Clara's favor for \$2,000, and the policy is at the New York Life Insurance and Trust Company where my brother Aleck works, No. 52 Wall street. I have also made other provisions which are at the same place.

I mean to work both heart and soul and by my endeavors sobriety, honesty and truthfulness show to the world, all men and women and children, that my children's father redeemed himself and died an honest upright man. I can do it and by God I will; excuse that expression but that is just what I mean. Now, in closing this, my last letter to you, let me say again that I thank both you and mother for all you have done for me. I am more than sorry for my causing you trouble or inconvenience and now on the eve of this I ask your forgiveness. I am truly sorry I have been the cause of your delay in going away for the summer, but it has only been my love for Clara and the children I have done what I did. I wish you all the best of health, long lives and happiness. And if Clara ever marries again, may she get a good and honest man who will make her happy and be good to my children and cause you no trouble. Good-night dear father and good-bye. Thank you again for your helping hand given me freely and so many times—you may doubt what I say but every word in this letter is true and you will so find it. I am a somewhat altered person than what I was and can realize more plainly now my foolish acts than I did some time back. With best of wishes for you and your family, I am,

Yours, most respectfully, with love,

"GIDEON GRANGER."

The Chairman.—What is the date of that letter?

Mr. Nicoll.—May 4th.

Senator O'Connor.—This year?

Mr. Nicoll.—This year.

The Witness.—In reply to that letter, Mr. Chairman, my own father was sent for and Mr. McClave —

The Chairman.—You can make your statement hereafter. While you are under cross-examination just answer the questions of counsel, and Mr. Goff can make a memorandum of any explanation you want to make.

By Mr. Nicoll:

Q. Look at the letters which I now show you and state in whose handwriting they are? A. That is my father, I think; my own father.

Q. That is from your own father addressed to Mr. McClave, isn't it? A. Yes.

Q. And didn't you see that letter in Mr. McClave's possession; and didn't you talk to him about it? A. Never in my life, and don't know who wrote it even; I am surprised to see it now.

Letter marked for identification Exhibit "A."

By Mr. Ransom: 1

Q. What is the date of that letter? A. July 19, 1892.

Q. Did you receive that letter from Mr. — whatever his name is there — give the name? A. No, sir.

Q. You never received it? A. Never saw it before.

Q. It is addressed to you, isn't it? A. Yes, sir; but I did not get it; all the mail that went to the Seventy-second street office was opened by Mr. McClave or Mrs. McClave or my wife.

Q. Look at these letters which I now show you and say whether or not they are in your handwriting; are they in your handwriting? A. If it is, it is very poor, I would not swear it was.

Q. Will you swear it is not? A. I won't swear it is either way; now it does not look like mine.

Q. The Gideon Granger is not in your handwriting? A. I don't think it is.

Q. Is that your handwriting (indicating)? A. That is there; yes (indicating).

Q. Is the body of it all in your handwriting? A. Yes, sir.

Q. The whole of that letter? A. Yes, sir.

Q. Isn't that your handwriting? A. No, sir; that is not my handwriting.

Q. That is not your handwriting? A. This here?

Q. Yes. A. Well, it looks like my handwriting, but I do not see why that should be signed that way.

Mr. Ransom.—I want to have these marked for identification.

The letter referred to as being the one in his handwriting is marked "Exhibit B."

Q. Tell me whether that is your handwriting? A. I do not know whether it is or not.

Q. Will you swear it is or not? A. No, but I won't swear it is not.

Q. Will you swear that is not your handwriting? A. I admit that.

Q. That is all your handwriting? A. Yes, sir.

Paper marked "Exhibit C."

Q. Those two are your handwriting? A. Yes, sir; but that is not.

Mr. Ransom.—This addressed to "J. H. Barringer. Dear Sir: If you will call on Mr. McClave at his office, 610 West Twenty-second street, Monday morning between 10:30 and 11:30 we will

give you check for full amount. Please bring mortgage and notes. I am, respectfully, Gideon Granger."

The Chairman.—Is that the \$200 chattel mortgage? A. That refers to the chattel mortgage.

Q. On the machinery of the Yankee White Manufacturing Company? A. Yes, sir.

Q. Didn't you write the whole of that? A. I said, "Yes," Mr. Nicoll.

Q. Did you write Scannell G. Post? A. I don't know whether I did or not.

Q. Who is Scannell G. Post? A. I don't know him.

Q. You don't know him? A. No, sir.

Q. Here is a letter in your handwriting with a man's signature at the bottom, that you don't know? A. I didn't say that is in my handwriting; I said that signature, "Gideon Granger" is in my handwriting.

Q. Who is this man? A. I don't know.

Q. Armstrong was a man who was one of your agents, wasn't he? A. George Armstrong?

Q. Yes? A. Yes.

Q. He was pressing you for payment and you were putting him off? A. I don't know whether he was or not; if that letter says so it was so.

Q. Here is a letter addressed to him in these words: "George S. Armstrong: Dear Sir.—Your letter to Mr. Granger duly to hand; Mr. Granger will return from Philadelphia this afternoon and will attend to the check you refer about; there must be some mistake, as he deposited on Thursday of last week, \$275. Thanking you for your kind information, I remain, very truly yours, Scannell G. Post; For Gideon Granger."

The Witness.—Have you got that check, Mr. Nicoll?

Q. Just answer the question; didn't you forge the name of Scannell G. Post?

Mr. Goff.—I object.

A. No, sir.

Mr. Goff.—Do not answer.

Chairman Lexow.—That is excluded.

Mr. Goff.—Let the check be produced.

Q. Did you write the name of Scannell G. Post?

Mr. Goff.—I object, unless the check is produced.

Mr. Nicoll.—It has nothing to do with the check. I am asking him about this letter.

By Chairman Lexow:

Q. Did you write that name? A. I don't know whether I

did or not; it don't look like my writing; I know I wrote "Gideon Granger" there; I do not know why I wrote it, though; I do not deny the fact that the body of the letter is in my handwriting; you (Mr. Nicoll) asked me if I signed the other man's name.

By Mr. Nicoll:

Q. Didn't you write that letter to Mr. Armstrong for the purpose of making Mr. Nicoll believe that you were out of town? A. I might have.

Q. And wrote the signature of Post in there—the name "Scannell G. Post," for Gideon Granger? A. I may have; I don't know that I did.

Q. Well, as a matter of fact, you were in town at the time? A. Well, I don't know that.

Q. Isn't that the meaning of that letter? A. Probably it was a delay; yes.

Q. Look at the check which I now show you, dated December 27, 1891; didn't you draw that check? A. No, sir; that is not mine.

Q. Isn't the body of that writing yours? A. No, sir.

Q. Isn't that a check which you cashed and which Mr. McClave took up for you? A. That is the check that I cashed and paid for.

Q. Solomon S. Dewey; do you know that man? A. No, sir; I never signed that check.

Q. Do you know Solomon S. Dewey? A. No, sir; I do not.

Q. Did you ever see such a man? A. Never saw the man in my life; don't know whether there is such a person.

Q. You gave the check? A. I don't know; probably it came in the course of business; I see it is indorsed by the Yankee Manufacturing Company.

Q. Look at the check, which I now show you, marked December 17, 1891? A. Yes, sir.

Q. Isn't that a check which Mr. McClave took up for you? A. Yes, sir.

Q. Who is G. W. Grady & Co.? A. That is the man who had the brass polish job for the Yankee White Manufacturing Company.

Q. That is another check you signed? A. That check I drew on the promise of Mr. McClave that he would deposit \$1,000 to the credit of the company, and he didn't do it.

Q. How much was that check? A. For \$34.

Q. Look at this check; didn't you write the whole of it? A. No, sir; I didn't write the whole of it.

Q. Isn't it all in your handwriting? A. No, sir; it is not.

Q. You deny that? A. I deny the writing here at all.

Mr. Nicoll.—The check is dated December 16, 1891, on the Bank of the Metropolis.

Witness.—I know who wrote that check; it was written in our office.

(Check marked defendant's Exhibit (D))

Mr. Goff.—The witness is not here on trial for forgery.

Senator O'Connor.—There is enough proof here to satisfy my mind that this man dealt in checks that were crooked.

Mr. Goff.—But, Senator, he says that he is not an angel. I have not raised the question at all about the propriety, and, in fact, the duty, of the chairman to instruct the witness, under the peculiar circumstances that he comes here, with the knowledge that these changes have been made against him in the public press, through Mr. McClave's authority, that he has a right to refuse to answer any and all questions that would tend to criminate or degrade him.

Chairman Lexow.—This testimony can not be used against him in any trial.

Mr. Goff.—I have not yet invoked the aid of the committee, but I do think that we ought to keep down to the matters involved in this examination.

Senator Saxton.—He has not affirmed or denied anything, so far as the question of forgery is concerned; he refuses to either affirm or deny.

Senator O'Connor.—The committee has sense enough to draw its own inference.

Senator Saxton.—We are willing to sit here now for some time.

Witness.—I will be back to-morrow.

Mr. Nicoll.—I have no doubt that the witness will be here to-morrow.

Mr. Goff.—I am satisfied, gentlemen, to sit as late as you wish.

Chairman Lexow.—Have you any objection to a recess until to-morrow morning?

Mr. Goff.—None at all, if Mr. Nicoll is satisfied. Will you please instruct your sergeant-at-arms to keep control and charge of this witness until to-morrow morning?

Chairman Lexow.—The sergeant-at-arms will keep control and charge of the witness until to-morrow morning, and all witnesses subpoenaed for to-day, will appear here at half-past 10 to-morrow morning.

Committee adjourned to Wednesday, June 6, 1894, at half-past 10 o'clock a. m.

Proceedings of the 21st meeting of the committee, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court, Part I, in the County Court House in the city of New York, Wednesday, June 6, 1894, at 10:30 a. m.

Present.—All of the committee, except Senators Robertson and Pound.

Counsel on both sides present.

Senator O'Connor.—Are you ready to proceed, Mr. Goff?

Mr. Goff.—I will be, very shortly.

Senator O'Connor.—The committee unanimously instruct Mr. Goff to go before the grand jury and procure the indictment of witnesses who have failed to attend here, who have been properly subpoenaed.

Mr. Goff.—Now, Mr. Granger, will you take the stand?

Gideon Granger resumed the stand for further cross-examination.

By Mr. Nicoll:

Q. You testified yesterday that in some one of the cases that you say—in some one of the appointments in which you were interested, you paid \$30 to Mr. McClave; what case was that? A. That was the Cohen case; the first case that I ever had; the case I told you of the last thing last night.

Q. You say that was the Cohen case? A. Yes, sir; that was the first case.

Q. You say it was the first case? A. Yes, sir; the first money that I ever handled between Mr. McClave and the applicant and myself.

Q. That was the case in which you gave Mr. McClave \$30? A. Yes, sir; that was in 1888.

Q. That you say was in 1888? A. I think that was the year, 1888; yes, sir.

Q. I read from your testimony given upon your previous examination as a witness in this case:

“Q. Will you state what you know about it? A. I know he was appointed.

"Q. Anything else? A. I know it cost him \$205 to be appointed.

"Q. To whom was that money paid? A. Well, \$30 of it went to the doctor's room, when he went up to the doctor's, some way or other, he was half an inch too small.

"By Mr. Nicoll:

"Q. Did you see the \$30 paid? A. Yes, sir; it was paid to me, and I sent it up to headquarters.

"By Mr. Goff:

"Q. It was not sent to Mr. McClave though, the \$30? A. No, sir."

Q. Do you still swear that you paid Mr. McClave \$30? A. Yes, sir; I did not send it; I took it there myself.

Q. In view of that testimony given on the previous examination as a witness, do you still swear that you gave Mr. McClave that \$30? A. Yes, sir; I do, and the 175 —

Q. Do not go on and testify, except in answer to my question; I will read from your testimony on page 1196:

"By Mr. Goff:

"Q. Was he not rejected at first on that account? A. Yes.

"Q. That was before the \$30 went up? A. Yes, sir.

"And after the \$30 went to the surgeons he grew half an inch higher? A. Yes, sir."

Q. Did you testify to that? A. I think so, if that is the way of it there.

Q. Do you still swear, after listening to that part of your testimony given upon your former appearance as a witness, that you paid \$30 to Mr. McClave? A. The same answer as I gave before.

Q. You swear to that? A. The same answer.

Q. What do you mean by the same answer? A. Yes, sir.

Q. You mean that is true, is that it? A. Yes, sir.

Q. And the \$30 did not go to the surgeon, did it? A. The supposition was that it went to the surgeon.

Q. Your theory is, that you handed it to Mr. McClave to go to the surgeon? A. I presume he gave it to the surgeon, otherwise he would not have passed the doctors.

Q. In that case of Judd, is it not a fact that Mr. McClave discounted this note for you, which was shown to you yesterday, and gave you the sum of \$500 upon it? A. Yes, sir; he gave me \$500 upon it.

Q. You still swear that the signature, George W. Judd, was written by George W. Judd? A. Yes, sir.

Q. And not by you? A. I would not have sworn the other way, if it had been.

Q. Is it true that it was written by George W. Judd, and not by you? A. Yes, sir.

Q. Is it not a fact that the only transaction that you had with Mr. McClave in reference to that, was the subsequent payment to him of \$200 on account? A. No, sir.

Q. You did pay him \$200 on account of the notes, on January 10, 1888, did you not? A. I do not recollect the date; I know we paid him \$200.

Q. Shortly after the note was made? A. Yes, sir; on or about that date.

Q. And is that paid to him on account of the note? A. The \$200 that is indorsed on the back of that note is.

Q. Where did you get that money? A. Got it from the bookkeeper.

Q. The bookkeeper of what? A. Our bookkeeper, 145 West street; he wrote out the check and I took it to headquarters; the bookkeeper wrote out the check, and Mr. Judd signed it, he signed the check and then I took it up to police headquarters, and gave it to Mr. McClave.

Q. Were you in the employ of Mr. Judd at that time? A. No, sir; I was not.

Q. You were not in the employ of Mr. Judd? A. No, sir.

Q. Had you known Mr. Judd? A. Yes, sir.

Q. Was he a friend of yours? A. Yes; I was in business there with him.

Q. Was he a partner of yours? A. No; but I was in business for myself; it was a part of the store that I rented with him; we had a general account, and all goods assigned from the west we were jointly interested in; there was no salary.

Q. Was that the commission business of which you speak? A. Yes, sir; the commission business that I have spoken of.

Q. That was the business that you left on account of the smell of veal, was it? A. Yes, sir.

Q. Did you borrow this money from Mr. Judd? A. No; I didn't borrow any money from Mr. Judd at all.

Q. You did not? A. No; I borrowed that \$500 from Mr. McClave.

By Senator O'Connor:

Q. For your joint account? A. Yes, sir; Mr. Judd indorsed that note.

Q. And the money was for both of you? A. Yes, sir.

By Mr. Nicoll:

Q. Did you bring the money to Mr. McClave or have a check?

A. Yes, sir.

Q. Did you indorse over Mr. Judd's check to him? A. I don't know whether the check was made payable to Mr. McClave or made payable to me.

Q. That you gave to him in payment of your debt to him? A. That indorsement of the \$200 on the back I did.

Q. That was the check that you got from Mr. Judd? A. That was one of them.

Q. You got another check from Mr. Judd, did you? A. Yes, sir; another check.

Q. How many checks did you get from Mr. Judd? A. I do not know; I have had lots of them.

Q. For the purpose of paying on this note? A. No; only one on this note.

Q. That was in the year 1888? A. I think so.

Q. I understood you to say in your testimony that that check was handed to Mr. McClave for the purpose of getting a man on the police force? A. I did not say anything of the kind.

Q. Did I not understand you to say yesterday, or in your last testimony that you gave, that Mr. McClave gave a check of \$200 for the purpose of getting a man named Cooper on the police force? A. Yes, sir, I did; either \$200 or \$250, I do not recall which.

Q. And that was in the year 1888, was it not? A. I think it was about the middle of February, 1888, or the latter part of January.

Q. Did you tell Mr. McClave that that was \$200, a bribe to get Cooper on the police force? A. I did not say so; no, sir.

Q. Did you tell him that that was for Mr. Cooper's appointment? A. I said there is the money that we promised you, and he said, who, and I said Cooper and myself.

Q. You married Mr. McClave's daughter in December? A. Yes, sir; the last day of December.

Q. The 31st of December, 1887? A. Yes, sir.

Q. You want us to believe that in February, 1888, your father-in-law received \$200 from you in a corrupt transaction of this kind, do you; is that true? A. Yes, sir; I did business; I had applicants for the police force before I was married even.

Q. Is that true; answer the question that I put you? A. Yes, sir; that is.

Q. Within 30 days from the time you married his daughter, he

received \$200 from you for a man to be appointed on the police force? A. Yes, sir.

Q. Was that the first transaction that you had with Mr. McClave? A. In money matters; yes, sir.

Q. That was the first time? A. When you say first, what do you mean?

Q. I mean the first transaction that you paid him for the appointment on the police force? A. Yes, sir; there was lots of money that I sent to him, that came to me before I was married.

Q. You gave us five different cases in which you said you had paid money to Mr. McClave for appointments on the police force? A. Yes, sir; and that was one of them.

Q. Was this the first one? A. Yes, sir.

Q. The first one in which you gave money for that corrupt purpose? A. The first one.

Q. That was the very first one? A. Yes, sir; in handling money; I guess, the very first.

By Senator O'Connor:

Q. Do you mean the Cooper case? A. Yes, sir; the Cooper case, he is talking about; I said that yesterday.

By Mr. Nicoll:

Q. You know that you handed Mr. McClave a check for \$200 in this Cooper matter; did you have any conversation or any subsequent conversation on the subject of money? A. With Mr. McClave?

Q. Yes. A. No; I do not think that I did.

Q. Did you ever talk with him after that on the subject of money for appointments upon the police force? A. Privately; yes, sir.

Q. What do you say? A. Yes, sir.

Q. Then, you did have some subsequent conversation? A. You did not say subsequent.

Q. You misunderstand me; I did say subsequent? A. I beg your pardon, if you did.

Q. You did have subsequent conversations, then, upon the subject of money? A. Not subsequent to that.

Q. Not subsequent to the Cooper transaction? A. No, sir; not subsequent to the Cooper transaction.

Q. Did you never again talk to him, after February, 1888, about money for the appointment of applicants on the police force? A. Yes, sir; afterward.

Q. After the appointment of Mr. Cooper, did you ever, after

that, have any conversation with Mr. McClave, about money for the appointment of applicants on the police force? A. He told me I was —

Q. Did you or not? A. Yes, sir.

Q. I read you from page 1204: "You stated a few minutes ago as to the question of money when mentioned between you and Mr. McClave, that Mr. McClave expressed himself as being averse to money being used? A. Yes, sir; he did. Q. You knew that you had handed Mr. McClave a check for \$200; did you have any conversation, subsequent conversation, on the subject of the money between you? A. No, sir;" is that true? A. I have said no to that twice.

By Senator Saxton:

Q. Do you mean that you did not have any subsequent conversation? A. Prior to the appointment of Mr. Cooper, there was no check of Mr. Cooper until after that.

Mr. Nicoll.—Does the committee think that he misunderstands the word "subsequent?"

By Senator O'Connor:

Q. Is that testimony that you gave to Mr. Nicoll true or false? A. Was it before or after?

Q. Do you not know the meaning of the word "subsequent?" Senator O'Connor.—Repeat the question, Mr. Nicoll.

Q. I read from Mr. Goff's question; I will put it again: "You stated a few minutes ago as to the question of money when mentioned between you and Mr. McClave, that Mr. McClave expressed himself as being averse to money being used? A. Yes, sir; he did. Q. Now, you knew that you had handed Mr. McClave a check for \$200; did you have any conversation, subsequent conversation, on the subject of the money between you? A. No, sir." A. That is incorrect.

Q. That is not true, is it? A. No, sir.

Q. When you swore to that here upon your previous examination, that was false, was it? A. It was false, if I said what you have read there now.

Q. Well, I have read from the record? A. I may have misunderstood the question, when it was given.

Q. I read you at page 1202:

"By Senator O'Connor:

"Q. Did you have a talk with Mr. McClave about these appointments? A. I spoke to him in regard to his appointment.

Q. Did he give you to understand, at any time, that it would require money to appoint him? A. No; quite the contrary."

Q. Is that true? A. That is what he did say, "quite the contrary," that is true.

Q. Have you not already sworn yesterday, that you had five corrupt transactions with Mr. McClave? A. Yes, sir; I have.

Q. Is this testimony that I have read to you true? A. Yes, sir; Mr. McClave was always averse to talking of it.

Senator O'Connor.—He means probably that Mr. McClave said one thing, and meant another.

The Witness.—That is the supposition, Mr. Senator.

Mr. Nicoll.—Very kind of you, Senator.

Senator O'Connor.—I should judge that was the purport of his remark.

Q. With regard to the McDonald appointment, that was the appointment which you say was procured by Mr. Raines, a congressman from the western part of this State? A. I think not; I said he was implicated in it—I think it was Charles Lapham, and the one I referred to with Congressman Raines was Mr. Farnsworth.

Q. Mr. Raines was the backer, was he not? A. The backer of whom?

Q. The backer of the applicant, McDonald? A. No; Charlie Lapham was.

Q. Did you not receive letters from Mr. Raines in regard to the appointment? A. Letters from Mr. Raines in regard to McDonald, no.

I read you from your testimony, given on the former examination at page 1198:

Q. "Was there anything about this application for appointment? A. In money matters you mean?"

"Q. Yes? A. Yes, sir; United States Senator Lapham's son, Charlie Lapham, of Canandaigua, was the backer for him through John Raines, who was congressman, who was, at one time, member of the Senate; I had several letters from them about him."

Q. Is that true? A. Yes, sir.

Q. Have you not just sworn that you had not received any letters from Mr. Raines? A. That does not say so.

Q. "I had several letters from them about him?" A. The inference was, when I answered that question, I might have been referring to Lapham; I do not think Mr. Raines ever wrote me in regard to Mr. McDonald.

Q. When you swore you had several letters from them, mention-

ing Mr. Raines and Mr. Lapham, it was not true that you had any letters from Mr. Raines? A. Yes, sir; those letters had been in publication.

Q. Was it true that you had received any letters from Mr. Raines? A. No; not in that case.

Q. I understood you to say that you received a draft of \$50? A. Yes, sir.

Q. From somebody in Canandaigua? A. Yes, sir.

Q. And immediately gave the \$50 to Mr. Kelly? A. Yes, sir.

Q. Or you gave the draft to Mr. Kelly? A. Yes, sir.

Q. Did you know Mr. Kelly previous to that? A. Yes, sir; I knew Mr. Kelly.

Q. Had you had any conversation with Mr. Kelly previous to that? A. Yes, sir.

Q. Had you ever had any transaction with Mr. Kelly previous to that? A. No; I would not swear that I did.

Q. I understood you to say in your testimony, that you received a draft of \$50, and you gave it to Kelly, almost immediately after its receipt; now, was this the first transaction that you had had with Mr. Kelly, or had you had other prior transactions? A. No; I think that was the first transaction.

Q. This was the first transaction with him? A. I think so.

Q. And you sent the draft immediately to Kelly upon its receipt? A. Yes, sir—I didn't send it to him; I think I left it for him in Masterson's saloon; I know that I testified before that I mailed it to him; I do not know whether that is so or not, but I know he got it.

Q. Did you send the draft to Kelly or leave it for him in Masterson's saloon? A. I either left it there for him or sent it by mail; I don't remember just now which.

Q. Did you say anything to Mr. McClave about that? A. When I got the draft?

Q. Yes. A. I do not think I did at that time until after he had passed the doctors; he was rejected at first.

Q. What was the date of his application to you? A. I could not tell you that.

Q. Do you swear that you ever had a conversation with Mr. McClave, in relation to the McDonald appointment, about money? A. Yes, sir.

Q. Look at the letter, which I now show you, and state whether or not it is in your handwriting, and signed by you? A. Yes, sir.

Q. I will read it: "New York, November 13, 1888. Dear Father.—The bearer of this letter has good backing by some of

our city fathers, who, as he says, have instructed him to get a blank form of application. If such can be given without trouble or inconvenience, he awaits your answer. These annoying letters are no more obnoxious to you than they are to me, and I do not like to inconvenience you, after doing all you have for me. But these are the cases. If this could be done, it would be a big help to the bearer. Believe me, I am your loving son, Gideon Granger." A. That is no reference to Mr. McDonald.

Q. That is a letter that you addressed to Mr. McDonald, in reference to the McDonald appointment? A. I do not know whether it is or not; what is the date of it.

Q. November 13, 1888. A. I don't think it is; in fact, I know it is not.

Q. What appointment is it in relation to, then? A. I think you will find out that it is the Cohen appointment.

Q. The Cohen appointment, you think? A. I think so; that is about the date of it.

Q. That is the letter of November 13, 1888; was that the date of the Cohen appointment? A. I don't think Cohen was appointed at that time; I think he was appointed in October, 1889.

Q. But was this the date of his application? A. If I remember correctly, I think it was about that time.

Q. Take the letter and look at it, and state whether or not it was in reference to the Cohen appointment? A. I could not tell you unless the name is mentioned, and there is no name mentioned here.

Q. Have you not said it was in reference to the Cohen appointment? A. No, sir; I said I thought it was.

Q. Are you able to swear on the subject? A. No.

Q. Do you know that you wrote another letter, a different letter in regard to the Cohen appointment? A. No, sir, I do not; I did not know McDonald at any rate in 1888.

Q. "These annoying letters are no more obnoxious to you than they are to me, and I do not like to inconvenience you, after all you have done for me;" what do you mean by that? A. He never wanted me to put myself in writing in any way.

Q. What did you mean by that statement, "I do not like to inconvenience you, after all you have done for me?" A. To bother him by receiving letters.

Q. What had he done for you up to that time? A. I don't know that he had done anything, except lend me that \$500.

Q. Was that what you referred to? A. I could not tell you at that time what I referred to.

Q. "If this could be done, it would be a big help to the bearer; believe me, I am your loving son, Gideon Granger;" what did you mean by that? A. What I say in that letter is what I mean.

Q. And you mean nothing but the \$500? A. That is all that I recollect of.

Q. Two hundred dollars of which you had already paid, had you not? A. Yes, sir—what is the date of that?

Q. November 13, 1888? A. Yes, sir.

Q. You had paid the \$200 on it? A. Yes, sir.

Q. And your reference in this letter was to the discounting of the note for \$500, on which you had paid \$200? A. I do not swear that, but that is one thing that comes to my mind now.

Q. Look at the letter which you wrote to Mr. McClave on October 25, 1889; that is the letter in reference to Mr. Cohen's appointment, is it not? A. Yes, sir; that other letter that you showed me though, is asking for an application.

Q. I will read this letter, "New York, October 25th, 1889. Dear Father.—The bearer of this is S. Cohen (our carman) who stands No. 30 on the eligible list, with a percentage of 90.34, and the inclosed letter is the one you desired him to get from Ege & Otis, which is considered the most reliable commission-house in our business. Not only having passed such a good percentage; he has other qualifications, which are deemed essential to making a good officer. Not having, to my own knowledge, touched any kind of liquor since he has been with us, and others say the same of him, when in their employ. In asking you to appoint him, I ask a favor that I may have no right to, and it will only benefit me through his brother, who is our head salesman"—was it his brother who gave you the money? A. Yes, sir.

Q. Was that the money that you say you sent to Commissioner McClave? A. Thirty dollars, the money that I took up, and the \$175 is the money that I left on Richards' desk in an envelope.

Q. Notwithstanding the fact of this letter, in which you asked Mr. McClave to make an appointment, which will benefit you, you say you sent him \$30, and \$175 was left on Richards' desk? A. That was before the letter was written.

Q. "And in past favors, the bearer has done me in riding my stuff in time for sales. I write this as I do not like to bother you by calling when so busy. And I am informed you are to appoint to-day, trusting that this will reach you in time to be accomplished. I remain, my dear father, your son-in-law, Gideon Granger." In view of those two letters, in relation to

those two applications for appointment, do you still persist in your story that you paid Mr. McClave any money, which you may have got for this appointment? A. I gave Mr. McClave \$30 with my own hands.

By Chairman Lexow:

Q. Before or after that letter was written? A. Before the last one was written.

Q. Before the last one that Mr. Nicoll quoted from was written? A. Yes, sir; that was the day he had passed his examination, and been put on the eligible list; the other letter of 1888, I do not know whether it is in reference to Cohen, or Brown, Jones or Smith; there is no name mentioned; it was just a letter sent there to get an application.

Q. The money was paid, not to put him on the eligible list, but to appoint him, was it? A. The first \$30 was to have him pass the doctors; on the first examination he was too short, and the \$30 was for that.

Q. That was paid to put him on the eligible list? A. That was to have him pass the doctor.

By Senator Cantor:

Q. And that was paid to Mr. McClave, you say? A. Yes, sir; that was paid to Mr. McClave, and the \$175, the balance of that, was left on Richards' desk in an envelope.

By Mr. Nicoll:

Q. You testified on our examination yesterday that Mr. McClave had intrusted you to carry a bag containing money and checks on several occasions to the Bowery Bank for deposit; is that true? A. Not I personally; Pat was always with me.

Q. Did Mr. McClave ever hand to you or intrust to you personally, money for deposit in the Bowery Bank? A. Yes, sir.

Q. When? A. Oh, on different occasions.

Q. Tell us when, what year? A. In 1891, that was the first time, I think.

Q. And 1892? A. I think in 1892, too.

Q. Was it not in 1891 and 1892 that Mr. McClave took up these various checks for you? A. I do not know.

Q. Was it not in the year 1891 and in the following year that he took up these various checks that we had yesterday, the Linden check and the Michelson check and the other checks that were mentioned? A. It is, if the date of these letters is

the same; it is the same year that I was up at the mill there with him.

Q. In your letter of May 18, 1892, which I read to you yesterday, those checks you remember were spoken of? A. I asked you yesterday—

Q. You remember that those checks were spoken of? A. I remember.

Q. And in this letter you say, "I am ashamed to meet you, as I well should be, but not afraid; I write, not to ask you for further leniency toward me, but as I have for the last time sinned and lied, no matter what the cost may be to me, I only want to ask your permission"—and so on; do you mean to say that at the time he was taking up that check for you, you were writing him letters that you had sinned and lied, that he was intrusting you with money to deposit in the Bowery Bank? A. I do not know that it was in those years.

Q. Well, during those years? A. Well, yes; it was about that time.

Q. Is that as true as all the rest of the testimony that you have given here, that during the years 1891 and 1892 he was intrusting you with money to deposit in the bank? A. I do not swear to those years.

Q. What year will you swear to? A. I will swear within the last six years.

Senator O'Connor.—That question, "Is that true as all the rest that you have testified to," is hardly allowable.

Mr. Nicoll.—I never used it before in my life, until I got into this investigation, and I took it from Mr. Goff. I have heard lawyers ask that question for years, but I never asked it before, but I have heard Mr. Goff ask it here, and I thought it was a question for this case.

Q. How much money have you received for appointments which you did not give to Mr. McClave? A. About \$100, or a little over maybe, maybe \$150 at the outside figure.

Q. And all the rest you handed to Mr. McClave, did you? A. Yes, sir.

Q. In all five cases? A. Yes, sir; Mr. McClave gave me back \$50 in one case that I spoke of.

Q. Is it not a fact that you were trading upon the fact that you were Mr. McClave's son-in-law? A. No, sir.

Q. Is it not the fact that you were trading and blackmailing people, to pay you money to get them on the police force? A. No, sir.

Q. Have you not borrowed money from policemen and captains on the police force in this city? A. No, sir; never in my life.

Q. Borrowing the money, on the strength of your being Commissioner McClave's son-in-law? A. No, sir; never.

Q. Have you not had checks cashed in various places on that account? A. No, sir; never, on that strength.

Q. Are not those the checks that I have shown you and is not that the reason that Commissioner McClave took them up, because you had passed yourself off as his son-in-law? A. I do not think so; I have paid Mr. McClave every dollar's worth of those checks.

Q. Do you say that you have paid him every dollar on those checks? A. Everyone of them.

Q. When did you pay him the checks? A. At different times.

Q. When were you making any money to pay him the checks? A. I have made money right along.

Q. You did not pay a cent of board, did you? A. I was not asked to.

Q. You never gave but \$3,000, in six years, to your wife and children? A. They do not say that.

Q. You swore to it yourself? A. Yes, sir; and over that.

Q. Your business in the White Yankee Manufacturing Company failed, did it not? A. Yes, sir.

Q. What was your salary in the post-office? A. Nine hundred dollars.

Q. What was it in Ehrich's? A. Fifteen dollars a week.

Q. Less than \$1,000 a year? A. Yes, sir.

Q. In Smith & Gray's, how much was it? A. The same.

Q. And you say you have paid \$3,000 to your wife and paid up to Mr. McClave all this money, which he took up for you? A. Yes, sir.

By Mr. Goff:

Q. You have stated, or at least you were about to state, when Mr. Nicoll interrupted you, that you had applications from men who sought appointment on the police force, before you became Mr. McClave's son-in-law; is that true? A. Yes, sir.

Q. Will you tell the committee how it was that men made applications to you before you became a member of Mr. McClave's family? A. We were engaged for over a year and a half.

Q. You and your promised wife? A. My wife and I were engaged for over a year and a half, and there were two attendants at the roller-skating rink, at Broadway and Fifty-third street, that first asked me to give them letters of introduction to Mr. McClave for appointment on the police force.

Q. How did they know of your relation to Mr. McClave's family? A. They had heard the story that we were engaged; that Miss

McClave and myself were engaged to be married, and they probably thought there might be some influence.

Q. Did you know them? A. Did I know the applicants?

Q. Yes. A. Yes, sir.

Q. Is it a fact that you and the young lady, Miss McClave, were in the habit of visiting the skating rink almost every night? A. Yes, sir.

Q. Had you any other application but the ones in question now? A. There was one, a foreman of the gas company down at the Mutual Gas Works; he was another one, and Mr. McClave appointed him; whether there was any money transaction or not, I do not know.

Q. Did you recommend him? A. Yes, sir—no; I did not recommend him; I gave him a letter of introduction to Mr. McClave; he was recommended, I think, by an alderman.

Q. How did he know of your connection with Mr. McClave's family? A. That was through one of my brothers, who was employed as bookkeeper at the gas-works.

Q. Had you any other application? A. I think that was all.

Q. Do you remember having had an appointment with a man who sought to be appointed on the police force, at the liquor store of McKeever, near the Christopher Street Ferry? A. Yes, sir; I remember having an appointment, but I do not remember his name.

Q. Was there any money paid there? A. I think not.

Q. You do not remember? A. No, sir; I do not.

Q. I asked you yesterday about the visit of this ward man, Byrnes, to Mr. McClave's house, in reference to Inspector Williams; can you tell any further from your recollection upon that subject to-day? A. I remember of going out on the breakfast-room and seeing Byrnes at the door, and the girls said that he wanted to see Commissioner McClave, and I did not think that he was up; it was early in the morning, and I took the letter up stairs, and told him that I would give it to him; I knocked on Mr. McClave's door, and he was not in his room; I walked back; I heard him washing, and I gave him the letter in his bathroom.

Q. What was the appearance of the letter? A. It was quite bulky.

Q. In an envelope, was it? A. In an envelope; yes, sir.

Q. When Byrnes handed it to you, did he say anything regarding it? A. No; he said it was from Captain Williams, but he said he would wait to see if there was an answer to it.

Q. He said it was from Captain Williams? A. Yes, sir.

Q. And he would wait and see if there was an answer to it? A. Yes, sir.

Q. Did you deliver that letter or package, whatever it was, to Mr. McClave? A. Yes, sir.

Q. Did Mr. McClave say anything to you when you delivered it to him? A. He made some remark about, when I said there was a messenger from Captain Williams, and that he was waiting for an answer—what the remark was, I would not like to swear to, because I am not positive of it.

Q. If you are not positive of it, do not swear to it; do you remember it was about the time of Captain Williams' trial? A. It was thereabouts.

Q. Was there anything said by either Byrnes or the commissioner, that fixed in your memory that fact, that it was about the time of the trial? A. No, sir; only—no; there is nothing that I can fix in my mind positively about it.

Q. That is, from your independent recollection, you think it was about the time of the trial? A. Yes, sir.

Q. Do you know if Mr. McClave was in the habit of giving sums of money, in coin or bills, to Mrs. McClave? A. Yes, sir.

Q. In what shape were they? A. He used to give her gold, always, that I saw.

Q. Gold pieces of what denomination? A. Ten and \$20 gold pieces.

Q. Do you know that Mrs. McClave had a bank account? A. Yes, sir; she deposited them somewhere, but where I do not know; I think it was in some trust company, or savings bank, where there was an interest attached to it, but where it was I do not know.

Q. By the way, you spoke yesterday about Johnnie McClave, John McClave, Jr.; whether you and he were very friendly; were you or were you not? A. Yes, sir.

Q. You traveled around together considerably? A. Day times, I did; I never was out at night with him.

Q. In the day time you traveled around with him? A. Yes, sir.

Q. Have you conversed with him about your divorce case? A. Yes, sir.

Mr. Nicoll.—Suppose he has conversed with John McClave about his divorce case; what has that to do with this matter?

Q. Was he a witness in the proceeding? A. Yes, sir.

Q. Where is he now? A. I understood they sent him to South Dakota; I afterward learned that he was in Europe; he did not testify; a deposition was taken.

Q. He went away after this committee was appointed, did he? A. Yes, sir.

Mr. Nicoll.—That is a most unfair question, when it is known that this young man is in very delicate health; he has not long to live, that it should be made out that he had run away from this committee.

Mr. Goff.—It is a remarkable thing, that this delicacy only came on within a short time of the sitting of this committee; from the number of delicate men connected with the police department, I am afraid an epidemic of sickness has struck them.

Q. This letter, which Mr. Nicoll has read with such very skillful elocutionary effect, dated May 4, 1894, that was after the action had been brought, was it not? **A.** Yes, sir.

Q. And after you had determined not to defend the action, though you had interposed an answer? **A.** Yes, sir.

Q. Here is a phrase in the letter, which Mr. Nicoll trippingly skipped over: "It is not only from the innocence of the charge that I fought as hard as I could, and as long as my meagre means would allow me;" what do you mean by that phrase? **A.** I told Mr. McClave, if he would consent to let the trial go over until the fall of the year when I had money enough to defend it, that I would still fight it, and he said no, that he would not do it; he had got me just where he wanted me now, and he was going to keep me there; that was the only reason of my letting it go by default.

Q. In answer to some questions by Mr. Nicoll, relating to conversations which you had with Mr. McClave, in reference to appointments, you stated that you had conversations with Mr. McClave about appointments after the Cooper transaction; is that so? **A.** Yes, sir.

Q. And when Mr. Nicoll read from your testimony, stating that on a previous examination that you had no conversation with Mr. McClave subsequent to that transaction, what did you mean; have you any explanation to give as to the difference between the words "subsequent" and the word "afterward," which you used? **A.** It was at that time that Mr. McClave told me when I give him the Cooper check; it was at that time that he told me that I should never bring him any checks or any paper or writing, and he spoke to me then, and he said, letter-writing or indorsements are self-convicting; that was the substance of what he said.

Q. And after the Cooper transaction, you never accepted any check? **A.** No, sir; I never did myself.

Q. And you never took a check to him? **A.** No, sir.

Q. Whatever money passed through your hand was in bills? **A.** Always; yes, sir.

Q. These letters stated to Mr. McClave in reference to Cohen's

appointment, "After all you have done for me"—I will have to get that letter later on; Mr. McClave testified here that he had paid \$20,000 in taking up checks alleged to have been forged by you during the six years you were in his family; what have you got to say about that testimony? A. If he has where are the checks; he must certainly have them; he claims to have them; that is not true.

Q. Can you give the committee any idea of the amount of checks which he claim he has set forth here? A. No, sir; I do not think from what I see—I do not think the alleged checks are any more than two or three hundred dollars at the outside, and every penny of any checks that Mr McClave has paid for me has been, with the exception of perhaps \$10 or \$15 or 20, repaid.

Q. You said something yesterday about his books; have you a knowledge of the condition of Mr. McClave's office before the fire in 1893? A. I was there all the night of the fire and all the next day.

Q. Tell the committee what kind of a structure was this office; was it a brick building or a wooden building? A. It was a wooden building.

Q. How near was it to the burning lumber? A. About as far as from here to the far side of the room, if not farther.

Q. Can you say whether or not the structure in which the office was took fire? A. No, sir.

Q. Did it take fire? A. It did afterward, after the lumber was burned, it burned the far end of the office; the office ran back on Twenty-second street and the factory building ran up on Twenty-second street to Eleventh avenue; the office ran into the yard, and it was the back end of the yard that was burning; I was in the office the morning after the fire.

Q. Was the office destroyed? A. No, sir.

Q. Was Mr. McClave on the ground himself during the fire? A. Yes, sir.

Q. Did you hear him give orders to the firemen? A. Yes, sir, to pour water into that building.

Q. What building? A. The small three-story brick factory on Twenty-second street.

Q. That was the office building? A. No, sir; that was the stable building.

Q. You say you were in the office the next morning after the fire; did you notice the safe? A. I do not think that I noticed the safe, as much as I remark Mr. McClave's testimony.

Q. What about the desk? A. It was a new one and he felt very badly that it had been smoked and about half-burned; it was scorched and blistered up.

Q. It was about half-burned? A. Yes, sir.

Q. It was not completely destroyed? A. No, sir; I think they took it out from the fire and sent it up to the mill to some of the cabinet-workers and had it polished up again,

By Senator Saxton:

Q. Do you mean that it was burned through or burned only on the outside? A. It was only blistered; it was not burned up; it was soaked and scorched.

Q. Only on the outside? A. Yes, sir; I did not see the contents.

By Mr. Goff:

Q. Do you remember what kind of safe was in the office? A. It was a very large safe; it stood so high (indicating) from the floor.

Q. Do you remember the name of the safe? A. No, I could not tell you that; that was one of the safes and they had a smaller one besides.

Q. There were two safes? A. Yes, sir; there were two safes.

Q. Can you say whether or not Mr. McClave kept all of his business accounts and books in that safe? A. I should not like to swear that he kept them all in it; either in that one or the smaller one, either one or the other, except his order-book; I do not think he ever put his order-book in the safe.

Q. What is that, the order-book? A. The tally-book, that he used to sign when the lumber would go out of the yard.

Q. That was a book that was constantly in use was it not? A. Yes, sir; always in use.

Q. Did you ever see that safe open — the large one? A. Yes, sir; I did.

Q. Did you ever put books in that safe? A. Yes, sir; I put the White Yankee Manufacturing Company books in there every night.

Q. Mr. McClave has testified here that he kept the return vouchers from his bank, or his bank account, in a steel safe within a large safe; do you know anything about that? A. I know there was a steel apartment inside of the large safe; I do not know what he kept in it.

Q. Can you tell from your recollection whether or not that safe was destroyed by fire? A. No, sir; I am quite positive it was not; it was pulled out.

Q. You say the safe was pulled out the morning after the fire? A. No, not the morning after the fire, but it was during that week.

Q. So that it was not reduced to cinders or ashes, was it, by the fire? A. No, sir, the far office in Mr. McClave's private office, it was taken out from that office into the front office, the first one where the tally-book was kept.

Q. You saw them move the safe? A. I saw it standing there.

Q. Did you notice its condition then? A. It was scorched and blistered; the paint was all black or looked as though it had been in a fire.

Q. It looked singed, did it? A. Yes, sir.

Q. But so far as the iron structure of the safe was concerned, did you notice any damage or destruction outside of what you have described? A. No, sir; no more than being scorched.

Q. Did you see the safe opened after the fire? A. I do not think that I did.

Q. You said something yesterday about the book, you saw them talking then, you say from one set of books into a new set of books? A. Yes, sir; the morning or the second morning after the fire, I do not know which, the books were all taken around to the Twenty-first street building; there was a vacant loft there and a temporary office was made there and I went in there one morning during that week to get something or other; I do not know what I went there for, and I saw Albert McClave, his son, copying from the burned book or the damaged books into new books; I asked him what he was doing and he said he was taking off the record.

Q. Do you know how many check-books Mr. McClave had? A. In the safe?

Q. Generally, in use? A. He has his lumber book — no; I do not know how many check-books he had.

Q. Did you ever see him have a check-book at all? A. Carrying around with him, do you mean?

Q. Yes. A. No, sir.

Q. Did you ever see him carrying checks around with him? A. Yes, sir.

Q. How; in what shape? A. He used to carry them in a thick brown envelope in his pocket.

Q. Loose checks? A. Yes, sir.

Q. They were blank checks? A. Yes, sir.

Q. Did you ever notice him carrying a small check-book in his pocket? A. I never saw him carry it, although he may have, without my knowing it.

Q. Mr. McClave has testified here that everything that he had in that safe, his books, relating to his business transactions and his check-books and return vouchers, were all destroyed by the fire; do you know anything about whether or not that is true? A: I do not think it is; that is all I can say; the books, I know, were over in the office on the Twenty-first street side, and Mr. McClave — these are the only books I ever did see.

Chairman Lexow.—Did Mr. McClave testify that his vouchers were kept in the inside of the steel safe?

Mr. Goff.—No; he did not testify to that.

Senator Saxton.—My recollection is that he said his bank-books were in the steel safe and thereby they were preserved.

Mr. Goff.—And the vouchers were outside and they were burned up.

Chairman Lexow.—I thought you were asking the witness whether or no he remembered that he kept the vouchers in the steel safe inside of the large safe.

Mr. Goff.—Yes; and the witness said he did not know. I merely asked that question for a purpose.

By Senator Saxton:

Q. You say that you saw him copying from the books that were burned? A. No, sir; they were not burned; they were legible; they were scorched; they were more soaked, so the covers were bulged out.

Q. The covers were not destroyed, then, by the fire? A. No, sir; they were blackened; they were damaged.

Q. Did you see the inside of the books? A. I saw the inside of one; he was copying one and I just looked at it for a moment.

Q. Could you readily read it? A. Yes, sir; I could see the figures on there, what he was copying off into the new book.

Q. Could you see whether any of the leaves of the book were burned? A. No, sir; the ones that I saw were not burned.

Q. I mean of this one book that you saw? A. No, sir; they were not, not that I saw.

Q. You could not see whether any of them were burned? A. I do not think they were burned; I do not think they were even scorched; I think it was more water than anything else; the book was of that size (illustrating), and it was swollen up to that size; the covers bulged out.

By Mr. Goff:

Q. You knew, after you left this courtroom the other day, of the charges against you which Mr. McClave had made public against you in this courtroom, did you not? A. Yes, sir.

Q. And you knew that he charged you with being a forger, a thief and a scoundrel? A. Yes, sir.

Q. You heard those words from his lips, did you not? A. I heard them right there.

Q. And you also heard the reports of the subsequent proceedings before this committee in the newspapers? A. Yes, sir.

Q. And with the knowledge of these accusations being made against you, you being a thief and a forger, and that certain checks were produced here in evidence which Mr. McClave

charged to be forgeries, you came back into the State and testified voluntarily before this committee? A. Yes, sir.

Q. Knowing that these charges and these accusations would be brought against you? A. Yes, sir.

Senator O'Connor.—Did he not come back with the assurance that he would not be interfered with?

Mr. Goff.—Yes; but what I wish to have the witness state is that he had a knowledge of these accusations that would be made against him.

Senator O'Connor.—We all know that Mr. Nicoll got up in court and stated, while the witness was on the stand, or immediately after, that they would prove him to be a thief and a scoundrel and a forger; he stood right up and said that.

Mr. Nicoll.—That is right, and I have kept my contract

Q. Is there anything that occurs to your memory now, touching the testimony that you have told here, which you wish to make any correction in, or any explanation in regard to it? A. Well, yesterday, I think, I stated about the Farnsworth matter and the McDonald case; Mr. Nicoll was asking me one question, and I think Senator Lexow was asking another, and you were asking one at the same time, and I was somewhat confused; the Farnsworth and McDonald case; Charley Lapham was the one who had the McDonald case; he was the one who wrote me first and sent me a draft; he is the one that all passed through; the Farnsworth case is the one that no one had anything to do with in Canandaigua but Congressman Raines.

Q. No one but Mr. Raines? A. No one but Mr. Raines.

Q. Did you see in the public press what purported to be letters from you to Charley Lapham? A. Yes, sir.

Q. In relation to the McDonald case? A. Yes, sir.

Q. Were those letters as printed, correct? A. I think so, if I remember correctly about them.

Q. You did write letters to Charley Lapham about that matter? A. Yes, sir.

Q. Is there anything else that you wish to say, touching your testimony here or any other statement that you wish to make to this committee, touching your testimony? A. Nothing, but that everything that I have stated so far as the money transactions between Mr. McClave and the applicants and myself have been as true as I could state it; so far as the dates are concerned, I am not positive about the dates; that is the only thing that mixes me up in Mr. Nicoll's cross-examination.

Q. But you are clear about the transactions? A. I am just as clear about the transactions as though they occurred yesterday; I trusted implicitly in everything that Mr. McClave told

me, and I have written letters to him and he has proved to be a scoundrel himself and a liar; and I think I have the same privilege of taking the stand against him that he had of taking the stand against me; when I first testified, I testified without any prejudice; I did not want to appear against him.

Q. Let me ask you, that is but fair to you, were you aware, when you were brought into this courtroom, that you were going to be put on the stand? A. No, sir; no more than that I am going to Kamskatka this afternoon.

By Senator O'Connor:

Q. Were you a leader or captain of any of these political forces in the various districts in this city? A. No, sir.

Q. You were constantly interesting yourself in the appointment of policemen, were you not? A. Yes, sir; the only thing was Mr. McClave being a Republican, and I a Democrat, he told me to keep clear of politics.

Q. During all this time you were constantly interesting yourself in getting men on the police force? A. If I was not interesting myself, people were interesting themselves in me.

Q. You were talking with your father-in-law about them? A. Yes, sir.

Q. Did he ever suggest to you that it was decidedly improper, you being his son-in-law, to interfere with these matters that would naturally bring him under suspicion, and you also? A. No, sir; he never referred to it in that light at all.

By Mr. Goff:

Q. Do you remember when Mr. McClave was reappointed by Mayor Grant? A. Yes, sir.

Q. Do you remember the election before his reappointment, when Mayor Grant was a candidate for mayor? A. Yes, sir.

Q. Did Mr. McClave urge you to vote for Mayor Grant? A. He asked me who my brother and I were going to vote for, and I told him I did not think that I would vote for Grant for a second term.

Q. Do you remember the morning of election, was there anything done by Mr. McClave? A. He then, at that time, said, "As long as you are a Democrat, you had better vote for him;" and I said, "No; I prefer Mr. Hewitt for mayor" — Mr. Hewitt, I think, was running — at any rate I preferred another candidate — and he said, "You had better vote the Democratic ticket, and tell your brother to vote that, too;" but on election morning, when I went down stairs, the ballots, or a set of ballots, were alongside of my plate at the table; I opened them and looked at them —

Q. What were those ballots? **A.** They were for Grant;

By Senator Bradley:

Q. A straight ticket? **A.** Yes, sir; and I voted it.

By Chairman Lexow:

Q. Were you politically active at all, during any part of this time? **A.** No, sir.

Q. Did you have any influence with any political organization? **A.** No; I did not ally myself to any political organization; but I was known as a Democrat.

Q. Was the sole and only influence that you had in this city in the police department, or any other department, the influence that you had as being the son-in-law of Commissioner McClave?

A. What little I had was that; that was all.

Q. And was he at all, at any time, active in securing you that influence—did he introduce you around as his son-in-law? **A.** Yes, sir; whenever he introduced me, and wherever he introduced me, I was introduced by him as his son-in-law.

By Mr. Goff:

Q. On election day did you say anything to Mr. McClave about the ballots that you found folded alongside of your plate? **A.** Yes, sir; I told him that night at dinner; he got home early; he generally goes to headquarters on election day in the afternoon; and I told him at the dinner-table that I voted the tickets all right.

Q. What did he say? **A.** He said, "I guess he is elected," something like that; I do not remember what the conversation was, but I told him I voted them.

Q. Do you remember a dinner that Mr. McClave gave in honor of his being reappointed by Mayor Grant? **A.** Yes, sir; he gave a dinner to his—

Mr. Goff.—Never mind.

Mr. Nicoll.—Is not this beyond the scope of the legitimate inquiry?

Chairman Lexow.—The question is withdrawn.

By Mr. Nicoll:

Q. During your sojourn in Connecticut— **A.** I have not been in Connecticut at all.

Q. It was not Connecticut, then? **A.** No, sir.

Q. Well, during your sojourn out of the State, the Senate committee went on and Mr. Raines, a Congressman, a Member of Congress from this State, from the Canandaigua district, came before the committee and with the privilege of the committee took the witness stand; you testified yesterday with regard to

Mr. Raines that you had met Mr. Raines at the Morton House in this city, did you not? A. Yes, sir; I think he always stops there.

Q. And that you had a conversation with him at the Morton House? A. Yes, sir.

Q. In regard to a policeman to be appointed upon the police force? A. Yes, sir.

Q. And he told you that he had given Mr. McClave a sum of money? A. Yes, sir.

Q. That Mr. Raines told you that he had given Mr. McClave a sum of money? A. Mr. Raines met me —

Q. Do you recollect testifying to that effect? A. I answer yes.

Q. Listen to this:

“I do not know Mr. Granger, though I know his father and mother; I never had any conversation with Mr. Granger in regard to the appointment of any policeman whatever; I never told him that I had given Mr. McClave any sum of money for any appointment, and I never did give Mr. McClave any sum of money, and I do not know Mr. McClave; I do not know that I ever spoke to him, although it is possible.”

Q. Are you telling the truth, or is Congressman Raines telling the truth? A. I think Mr. Raines is mistaken.

Q. He is not telling the truth, then, is he?

Chairman Lexow.—That is a conclusion; you need not answer that question.

Mr. Goff.—No; I think that is so.

By Mr. Nicoll:

Q. Is your statement true, then? A. Yes, sir.

Chairman Lexow.—The letter that you read from in which the witness wrote to Mr. McClave, in reference to one of the appointments, asking him to do him a service, is that in evidence?

Mr. Nicoll.—We ought to have them both in evidence.

Chairman Lexow.—If they are not in evidence we ought to have them in evidence.

Mr. Giff.—Mr. Schram, will you take this witness, Mr. Granger, away.

Chairman Lexow.—The witness is placed in the custody of the sergeant-at arms.

Mr. Nicoll.—Are you through with the witness Granger?

Mr. Goff.—Yes, for the present.

Mr. Nicoll.—The committee has discharged the witness, Granger?

Mr. Goff.—For the present the examination is closed; I may not be through with him; I may call him again.

Chairman Lexow.—As I understand it the witness is still under the protection of the committee.

Mr. Goff.—The witness is still under the subpoena of the committee.

Mr. Nicoll.—In order to make the record complete in regard to the witness Granger, I want to put in the correspondence which led up to my letter, which induced the return of the witness, and which was read by Mr. Goff. I do not care to interrupt his examination.

Mr. Goff.—I read the letter and it is on the record.

Chairman Lexow.—Why not consider the correspondence in evidence without its being put on the record. It will only incumber the record.

Mr. Nicoll.—I was charged and my client was charged in the public prints of this city, and counsel intimated it, and the committee, even with its impartial view, may have thought that we had intended to, or that we were keeping this witness out of the State, and we—

Chairman Lexow.—The witness has sworn that you did not keep him out of the State; is not that the best evidence that you did not keep him out of the State, by any actual violence or by any other reason?

Mr. Nicoll.—What I want to say is that what we most desired at all times, is what we have just had, the presence of the witness in the State, and so far as our having anything to do with it, we did everything in our power to induce Mr. Goff to get him back into the State, and I want to show the correspondence which led up to the final letter of May 30, 1894, which Mr. Goff read yesterday.

Chairman Lexow.—You have given the substance of it.

Mr. Nicoll.—I do not care whether it is on the record or not, but I want to show the committee the correspondence to let them see whether it should be made public or not (Handing correspondence to the committee.)

Chairman Lexow.—It may be marked in evidence, without its being transcribed on the record.

Correspondence marked Exhibit No. 1, June 6, 1894.

Mr. Goff.—Mr. Nicoll has been proven to be a very bad prophet because he announced so certainly that he and his client, Mr. McClave, had agreed that Mr. Granger would never appear before this committee again, that I would suggest to my friend, Mr. Nicoll, that when he starts in to prophesy again that he be more certain of his facts and of his man.

Mr. Nicoll.—I sometimes make mistakes. I am not infallible like my friend, Mr. Goff.

James Thatcher, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Forty-one West Twenty-seventh street.

Q. Are you in business there? A. No, sir.

Q. What is your occupation? A. Superintendent of a bachelor apartment-house.

Q. Were you ever in the saloon business? A. Yes, sir.

Q. Whereabouts? A. At One Hundred and Seventy-seventh street and Third avenue.

Q. What precinct is that in? A. I think it is the Thirty-fourth precinct.

Q. Who was the captain in that precinct while you were there? A. Captain Stephenson.

Q. All the time? A. Yes, sir.

Q. When was that? A. Three years ago.

Q. Give the time as nearly as you can when you kept that saloon? A. That would be in 1891.

Q. Is that the beginning of the time? A. Yes, sir.

Q. And you moved away when? A. I moved away some time in 1892.

Q. Were you acquainted with Officer Michael Brady? A. Yes, sir.

Q. Was he attached to that precinct? A. Yes, sir.

Q. In what capacity? A. As wardman.

Q. How well did you know him? A. Not very well; I hardly ever saw him or spoke to him.

Q. You did see him sometimes, did you? A. Yes, sir; I saw him sometimes.

Senator Saxton.—Does it appear what this wardman is, or what his function is?

Mr. Moss.—I do not know that it does.

Mr. Goff.—Not specifically on the records, but it is such an institution in New York that—

Senator Saxton.—I would like to have it appear at some time what the function of a wardman is.

Mr. Nicoll.—I might furnish you with a copy of the rules of the police department.

Mr. Goff.—We recognize the existence of a wardman as we recognize the existence of a clown.

Mr. Moss.—How many conversations did you have with Officer Michael Brady?

The Witness.—I do not remember.

Q. Where did you have the conversations with him? A. Wherever we happened to meet.

Q. Can you recall any of them? A. No, sir.

Q. Was your saloon ever open on Sunday—I will withdraw that for a moment, and I will say to the witness that anything you testify to, concerning your actions before this committee, can not be used against you; I think the chairman will so instruct you.

Chairman Lexow.—Any testimony that you may give will not be used against you in any proceeding hereafter. Any testimony given before an investigating committee can not be used against you in the trial of any other cause.

Mr. Moss.—The only liability which you are under is the liability of not telling the truth.

Senator O'Connor.—A man who testifies to the giving of a bribe can not be indicted for the crime of bribery or prosecuted for the testimony that he may give on the investigation, except that he may be prosecuted in case of perjury.

Mr. Moss.—His entire testimony, as I understand it, is privileged.

Q. Now, I ask you to locate any conversations that you had with Michael Brady?

Mr. Ransom.—The witness had better be instructed by the committee as to what his rights and privileges are, instead of being instructed by counsel.

A. I do not remember, really, what he did talk about.

Q. I am asking you to locate any place where you remember having had any conversation with him? A. I have talked to him on the street and in the barber shop, and he has been in my saloon.

Q. Now, I will come back to the question; was your saloon ever open on Sunday? A. Yes, sir.

Q. Was business ever done there on Sunday? A. It was done, but very little.

Q. Well, there was business done on Sunday? A. Yes, sir.

Q. In violation of the excise law? A. Yes, sir.

Q. At any of the conversations with Officer Michael Brady, did you ever give him anything? A. I never gave him anything myself; my bartender may have done so.

Q. Do you know whether your bartender did or did not? A. I imagine that he did.

Mr. Ransom.—I move to strike out that answer.

Mr. Moss.—I asked him for the circumstances of the case.

Chairman Lexow.—Ask him what he knows about it.

Q. What ground have you for your belief that your barkeeper ever paid money to him?

Mr. Ransom.—The witness has not stated that he had any belief; he said that he imagined so.

Chairman Lexow.—Ask the witness what he knows about his barkeeper having paid any money.

Q. What do you know about your barkeeper having paid money to Michael Brady? A. If the cash happened to be short I would say to him, "What did you do with that?" and he would say, "I gave it to this one, or that one, or I paid it out to this or that," and once in a while said gave Brady \$5.

Q. Once in a while he said that he gave Brady \$5? A. Yes, sir.

Q. Did you know any other policemen there? A. No, sir.

Mr. Ransom.—Does the committee really intend to take this testimony?

Chairman Lexow.—It is in for what it is worth.

Mr. Ransom.—I have been constantly trying to object and trying to keep it out.

Chairman Lexow.—I think he has connected it to some extent by saying that he saw the barkeeper.

Mr. Ransom.—He did not say that he saw the barkeeper give him anything?

Mr. Moss.—He stated that the saloon was open and doing business on Sunday and that he knew the wardman and had conversation with him, and that he has talked about the shortage of cash, and that the barkeeper said that he had given Officer Brady money.

Q. Did you see Brady after any of these conversations with your bartender? A. Yes, sir.

Q. Did you ever speak to Officer Brady about it? A. I never did.

Q. You did not mention that subject to him? A. No, sir; I did not speak to him about it.

Q. How frequently was such a statement made to you by your bartender that money had been given to Brady?

Mr. Ransom.—I object to that.

Mr. Moss.—That very line of examination was continued in the examination by the committee on crime in 1875 and carried right along.

Senator O'Connor.—It is for the purpose of showing a condition of affairs that was publicly known; it might be that the barkeeper was stealing the money himself, and giving this as an excuse.

Mr. Moss.—It might be if this saloon was not open on Sunday and this man in pleasant relations with Officer Brady.

Mr. Ransom.—I understand, perhaps not very clearly and distinctly, but I think I do fairly the object of this inquiry, and it is the intention of the committee to extend the rules or at least, if you please, to overthrow the ordinary rules of evidence, and I am not here to object as we all would do as lawyers on the trial

of a case, but there are some questions that are so absolutely ridiculous and absurd that I must object; they are asking this witness to fasten upon our client an attempt of bribery, that this barkeeper may have taken this money himself, and that this witness should not testify to what the barkeeper told him, and the only excuse or justification for that sort of evidence which Mr. Moss would not inquire about in the trial of an case is that the witness says that sometimes his saloon was open on Sunday and that the cash account was short, and it is proposed to prove by the barkeeper that the cash account was made short by his giving some of it to the police officer.

Mr. Moss.—I would suggest to the committee that I am not through with this witness yet; he is not a willing witness, and when I go a little further it may be more apparent. Such a motion as this ought to be observed.

Chairman Lexow.—We had better take the testimony, subject to your motion to strike out if it is not connected.

Senator O'Connor.—We want to conduct this investigation, so that when we get through, the people generally will have confidence in the testimony that has been adduced. If we admit purely hearsay testimony, and put it in the power of any considerable number of people to claim that our conclusions are based on unwarranted statements, which is hearsay testimony, we weaken the whole force of our work here, and we ought, as nearly as possible, to confine ourselves to those rules that experience has demonstrated ought to be adopted in all inquiries of this kind.

Mr. Goff.—This testimony will go to show that this witness acquiesced in the payment of moneys to the detective or officer, for this reason; if he did not acquiesce in the payment and recognize it as a thing to be done, in order to protect himself for opening on Sunday, he would have called his bartender to an account for the payment of money to a person unauthorized to receive it.

Senator O'Connor.—That might be, but you have proven this state of facts that public rumor here in New York is that these policemen not only take money from houses of ill-repute and permit them to violate the law, but they also take it from saloons. That is the public rumor. You have proven that the saloon was open on Sunday and that the cash account was short, and if this man acquiesced in it, without proceeding against his bartender, I think that presents a pretty strong chain of circumstances and I would like to see it weakened by our taking testimony which seems to inculcate an officer on the hearsay of this bartender. It looks to me as if the onus was on the other side.

Mr. Goff.—In order to show the acquiescence, we must show

that his agent is paying money to a person for a certain purpose. If the agent had not the power and authority to pay money to that person for a certain purpose, it would have been the duty of the employer to discharge that bartender and call him to an account for it.

Chairman Lexow.—You have shown that; do you not think that all the additional testimony you need is to show that Officer Brady was in here on Sunday?

Mr. Goff.—Well, yes; go on.

Mr. Ransom.—Then the objection is sustained?

Chairman Lexow.—The hearsay part of it is stricken out or disallowed. Now show that the officer was there.

Senator Saxton.—The bartender, when his cash is short, declares that he has given the money to an officer. It may be to conceal his own act.

Mr. Moss.—I am fighting for the general principle. The committee must remember that we did not know what this witness was going to swear to. I have not talked to him. I have not had a conversation with this man, but I am creditably informed that he has paid money to Officer Brady.

Chairman Lexow.—Very well; show that Officer Brady was there.

Q. Did you retain that same bartender in your employment after this shortage that you speak of? A. Yes, sir.

Q. Did this policeman, Brady, ever come into your saloon? A. Yes, sir.

Q. After this shortage? A. Yes, sir.

Q. Did you have relations with any other policeman in the precinct? A. No, sir.

Q. Did you ever make a statement to any one that you had paid money to Michael Brady himself? A. No, sir; I do not think so.

Q. Do you know George McFadden? A. I have heard his name, but I do not remember him.

Q. George McFadden of Third avenue and One Hundred and Seventy-ninth street? A. He may have been at the saloon; I remember the name, but I do not remember the man.

Q. Will you say that you did not tell George McFadden, in the presence of individuals, that you were compelled to pay protection money to Michael Brady, the wardman for Captain Stephenson? A. I do not think so.

Q. Will you swear that you did not say that? A. Yes; I think that I would swear that I did not.

Q. What do you mean by saying that you think you did not?

Senator O'Connor.—You know whether you said that or not; you are a man of intelligence.

Chairman Lexow.—The suppression of a fact is just as bad as a false statement of fact, if you are asked about it.

A. I might have said it, but I don't remember it, knowing that Mr. Mills, the barkeeper, gave up the money.

By Senator O'Connor:

Q. Why do you say you might have said it, if you did not have any grounds for saying it; why can you not say it is true or false?

A. I suppose the bartender gave the money to Brady, and I might have repeated it.

Q. Do you know that you did? **A.** No; I don't remember saying it.

By Chairman Lexow:

Q. Will you swear you did not say it? **A.** I would not swear that I did or that I did not.

Q. Have you no recollection about it? **A.** None whatever.

By Mr. Moss:

Q. You made use of the expression, as I understood you, gave it; what do you mean by that? **A.** Give it up, as you give up—give up a thing; giving it away.

Q. Why should the bartender give the money to Brady? **A.** I don't know, because I know so little about the saloon business, I did not stop in it long.

Q. Were you present at the saloon yourself? **A.** Sometimes, in the evening.

Q. Was the saloon business in charge of your bartender most of the time? **A.** Yes, sir.

Q. You never questioned the statement of the bartender that he had paid the money for that purpose? **A.** No, sir.

Q. For what purpose did you suppose the bartender had paid the money? **A.** I have always heard that you have to give something, and I supposed Mills gave something.

Q. You always knew that you had to give something for what? **Mr. Ransom.**—He did not say that he knew; he said that he heard.

Q. What did you hear? **A.** That he had to give something to the police or wardman, whatever it was; I was not really in the saloon business more than six months altogether, for during the time at first, I was living on Long Island.

Q. Was there any conversation between you and the bartender about the purpose of paying this money? **A.** No, sir; I never asked him any questions.

Q. You simply took it as a matter of course that you had to pay the money? A. Yes, sir.

Q. And acquiesced in the payment made by the bartender?
A. Yes, sir.

By Senator Saxton:

Q. You say that Officer Brady was in your saloon sometimes?
A. Yes, sir.

Q. Was he there frequently? A. I very seldom saw the man there; when he came in, he drank soda water, or ginger ale.

Q. Did you ever see him there on Sunday? A. No, sir.

Q. Did you ever see him about there on Sunday? A. No, sir.

Q. How often did this circumstance occur during the time you were there? A. I do not remember.

Q. You can tell something about it? A. I could not tell you.

Q. Can you not tell something about whether it was half a dozen times or more? A. Six or eight times, may be.

By Senator Bradley:

Q. Was he there once a month? A. No, sir; not as often as that.

By Senator Saxton:

Q. Then it did not occur every Sunday? A. No, sir.

Q. Did it occur every Sunday that you kept open? A. No, sir.

Q. Did you keep open every Sunday? A. From the trade we had there, we might as well have shut the door.

Q. There was trade, though? A. Yes, sir.

Q. Was there any interference by the police? A. No, sir; going into the saloon was like entering your private house.

By Mr. Moss:

Q. You say that Mr. Brady went into the saloon; what did he do there? A. He drank soda water and ginger ale.

Q. Was he in uniform? A. I never saw him in uniform.

Q. What did he say? A. I have not the slightest idea.

Q. You do not recollect? A. No, sir.

Cross-examination by Mr. Ransom:

Q. Did you ever see Mr. Moss before this morning? A. No, sir.

Q. Or Mr. Goff? A. No, sir.

Q. When were you subpoenaed? A. This morning.

Q. By whom? A. Some young man gave it to me; I don't know who he was.

Q. What is your business ? A. Superintendent of a bachelor apartment-house.

Q. You were in the saloon business previous to becoming superintendent of the apartment-house ? A. Yes, sir.

Q. How long were you in the saloon business ? A. About 12 months.

Q. What was your business before that ? A. Superintendent of the South Side Club, Long Island.

Q. Were you engaged in the saloon business on your own account ? A. Yes, sir.

Q. I understood you to say that you rarely ever saw Officer Brady ? A. Very seldom.

Q. Never had any conversation with him ? A. On the street I may have said, "Good morning," or when he came in the saloon.

Q. By conversation, you mean that you greeted him ? A. Yes, sir; passed the time of day with him.

Q. You never paid him any money ? A. Not myself; no, sir; I did not.

Q. Did you authorize your barkeeper to pay him any money ? A. No, sir.

Q. Did you authorize anybody to pay him money ? A. No, sir.

By Mr. Moss:

Q. What was the name of the bartender ? A. His name was Edward Mills.

Q. Where does he live ? A. Somewhere up on Lexington avenue.

Q. Can you not tell where, on Lexington avenue ? A. Between Forty-second and Forty-third streets, in what they call the Vanderbilt flats.

Q. What business is he in now ? A. Night watchman.

Q. Were you a member of the Retail Liquor Dealers' Association ? A. No, sir.

Q. Had your bartender authority to make running payments for the expenses of the business ? A. Yes, sir.

Q. Did he have authority to pay the bills that came in ? A. He had authority to do anything he wanted, because when I first opened the place I was on Long Island and he ran it entirely himself.

By Chairman Lexow:

Q. Did you give him any special authority in words to make any payment to the police ? A. No, sir.

Q. How many times did he make those payments ? A. It might have been six or eight times.

Mr. Goff.—Lena Schwartz will take the stand.

Lena Cohen, called on behalf of the State, being duly sworn, testified as follows:

Chairman Lexow.—You understand that in giving any testimony before this committee that that testimony can not be used against you in any proceedings, and if you have been guilty of bribery or corruption and you make that admission upon the stand here, it can not be used against you anywhere else and you can not be prosecuted for it.

The Witness.—Thank you, gentlemen, I hope not, because I have paid enough money for it.

Chairman Lexow.—But if you swear falsely, if you tell a story on the witness stand, that is perjury, and you can be prosecuted for that.

The Witness.—I understand that, gentlemen.

Direct examination by Mr. Jerome:

Q. You are a prisoner in the city prison, are you? A. Yes, sir.

Q. In the Tombs? A. Yes, sir.

Q. Charged with keeping a disorderly house? A. Yes, sir; and I did keep it.

Q. Where did you keep it? A. No. 378 East Houston street.

Q. When did you begin to keep a disorderly house there? A. September 24, 1893.

Q. Did you have the whole house? A. Yes, sir.

Q. How large a house was it? A. There were eight rooms in it.

Q. How many girls did you have there? A. I had four girls there.

Q. Did you see any policemen before you opened the house? A. Yes, sir.

Q. Whom did you first see connected with the police department? A. Ward Detectives Brennan and Farrell.

Q. What precinct was that? A. I will not tell you, but I think it is the 11th, gentlemen.

Q. Who was the captain of that precinct? A. I am telling you he is there yet, I think, the same one.

Q. Did you see Brennan and Farrell together? A. Yes, sir.

Q. Where did you see them? A. In the saloon across from the station-house at the corner of Sheriff street.

Q. Whose saloon is that; do you remember the number? A. No; I didn't pay any attention to the name.

Q. How did you come to go there to meet them? A. Through the party that I rented the house from, Mr. Miller, a butcher down stairs, he kept the store, and I got from him — he made me

acquainted and my husband acquainted with these two ward detectives one afternoon and I gave the money to them.

Q. Where is your husband now? A. He left me through Officer Farrell.

Q. Did you go with your husband to this saloon across the way? A. Yes, sir.

Q. And you met Officers Brennan and Farrell there, did you? A. Yes, sir.

Q. When was it? A. In the evening, about 7 o'clock; between 6 and 7 o'clock generally, I used to meet them.

Q. Tell what Officers Brennan and Farrell said to you and what you and your husband said to them? A. Mr. Brennan and Mr. Farrell, I came up to them with my husband and I said I am to rent a house; I am keeping it for the purpose of a disorderly house, will you give me a permit, gentlemen, and they said yes, I will give you a permit, only you ought to know by going in and opening a house like that, what you have got to pay; I said, "I don't know; make your own arrangement," and he says, "The lowest price, if you open a house and not keep many girls; not more than four or six, is \$500;" I walked up from Mr. Brennan and never said anything much to him, and I called my husband outside and I said to him, "Morris, what shall I do; where will I get \$500; I have not got it; I have got at the most, \$100, or \$150," and he said, "Dear wife, I will tell you where we can rent the money, and offer the money we have to pay it for;" I said, "If I shall pay any money in my own house like that, then I have to pay the bills," and I said to my husband, "I will go down and see Mr. Schlesinger, 155 Park Row, and we went down there and loaned \$500.

Q. You mean you borrowed \$500? A. Yes, sir; and gave them a mortgage on the house.

Q. You mean you gave a mortgage on the furniture? A. Yes, sir; the furniture and everything; then I went to Mr. Brennan and Mr. Farrell and I gave it to them.

Q. When was that, how long after? A. The 24th of September I moved in the house, and on the 29th of September I opened the house and I gave them the money.

Q. You gave them the money on that day? A. That week; that very same week; I moved in on Monday.

By Senator O'Connor:

Q. Did these officers know that you had to borrow the money? A. Yes, sir; I told them a little about it.

Q. What did you tell them about it? A. I told Officer Brennan, "Could not you let me have it for a little less, for I have to loan the money; I have not got the money; I have got









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