

CHIEF DEVERY GIVES THE LIE TO MOSS IN A SHARP DUEL.



The Head of the Inquiry.
(Sketches by Homer Davenport.)

Continued from Page One.

come the secretary of the new corporation. Richard Croker gave him the cash, and he handed it to the company's treasurer, Mr. Briggs, receiving a stock certificate for 170 shares.

Mr. Moss made a great point about the company having been formed in honor of the witness. This Mr. Croker denied, though it was not apparent that there was anything wrong even if his father had formed a corporation in his honor. Mr. Moss tried to show that the witness had never paid for his stock, but he swore he had. He gave the treasurer "a good-sized roll"—more money than he (the witness) had ever carried before.

Admits He Consulted His Father in the Matter.

It was intimated that Richard Croker had been consulted in the choice of an occupation for his boy. Mr. Moss laid much stress on the idea that the father was really behind the whole deal. He worked hard to demonstrate this.

The witness gets a salary of \$2,500 a year as secretary of the company. Mr. Moss thought this good pay for a young man who is learning the fireproof construction business. He said, laughingly, that he had a boy of his own, and that he thinks of sending him to see young Mr. Croker to learn how such lucrative jobs are obtained.

Mr. Moss wished to show that the Roebings could not get work through the Building Department until Mr. Croker went into the company, but the witness could not corroborate this. He said voluntarily that he was a stockholder in the United Company, a concern formed to furnish engineering plans and advice, to draw up contracts, to build railroads and make contracts. He had sixty shares in this concern, for which he had not yet paid. The total capitalization is \$50,000, of which \$35,000 is in cash and the rest in tools, patents and other property.

The important admission was brought out that young Mr. Croker has never mixed any concrete in the works of the Roebing Company, though he has seen others mix it there.

He denied emphatically the story told by Mr. Himmelfright on Saturday that Mr. McCann received \$5,000 from the Roebing Construction Company as retainer.

The United Company, he said, was not going to try to get any work from the city. "It would make too much talk," he explained. "The newspapers and you would talk about it." Mr. Moss said he guessed that was right, as far as he was concerned.

A very rich vein of hearsay evidence and gossip was tapped when Thomas Walker was put on the stand. He is one of the men who put up the Freland building, in West Third street, which was so rottenly constructed that it tumbled down and killed several persons. Walker was one of those indicted for manslaughter in connection with the "accident." That was four years ago.

The point about this witness was that although he was indicted he has never been tried. A mysterious, unknown man, whose name Walker would not state, visited his office and said he would get the indictment dismissed for a consideration. There was no proof that this was not simply a confidence game. Such evidence might be made in any quantity by sending anonymous men to visit indicted citizens and say to them: "Give me \$1,000 and you'll be acquitted. This industry is a common one, and ranks with the 'gold brick game.'"

Offer Not Made by Any One in an Official Position.

On cross-examination Dr. O'Sullivan elicited from Walker the fact that during the reign of District-Attorney Olcott, Republican, there was no progress made at all in bringing the witness to trial, Olcott being just as dilatory as any other District-Attorney. The man who asked for money was not connected with any of the city departments and the witness did not believe he had power to make any settlement of the case. The name of the mysterious man was given in secret to the committee.

Chief of Police William S. Devery came to the chair with a written statement to the effect that he would not answer any questions except such as related to the administration of his present office. He did not want a whole lot of charges dragged up on which he had been tried and acquitted. But Mr. Moss got them in by asking the Chief long questions about them, the questions containing the substance of the alleged offenses.

The Chief was not very friendly to Mr. Moss at the start, but gradually they became more sociable. Mr. Moss managed to intimate that the written statement as to limiting the inquiry to the Chief's official administration was made with a view to protecting him against being asked for information as to the real estate and other property which he owned.

"While you were a Police Commissioner, Mr. Moss, you never found fault with me," the Chief said.

"No, Chief, I didn't," was the reply. "You were then a captain up in Harlem, doing your duty, and, as far as I was concerned, you could have stayed there twenty years. But when a man jumps from police captain to Chief in three months he puts himself in the way of investigation. People want to know his record, and they are entitled to have it."

The Chief to most questions about his trial said that he did not remember. "I never received a dishonest dollar in my life," he repeated. "I am trying to do the best I can, I am trying to cope with the situation the best way I can. I am in my present place for the people, and no man can dictate to me."

He spoke of the difficulty of getting evidence against disreputable resorts and of the ease with which proprietors of Rialto law hotels got off when arraigned before the Magistrates. The Rialto law had a great deal to answer for, he thought, and the law against pool rooms is inadequate.

"I closed them when I was Commissioner," Mr. Moss declared.

"You did not," the Chief contradicted flatly, and the records show it.

"It is not a fact that you are interested in pool rooms yourself," Mr. Moss asked, coming right up to the witness and shaking his finger under his nose.

"It is not," the Chief replied, emphasizing his finger under his nose.

"While you were a Police Commissioner," the Chief said, "I did not find fault with you."

vice. "If you take an axe," said the Chief, "you can find things, but not me—I don't believe in it."

Counsel intimated that the Chief's raid of John Kelly's gambling place was a "fake" raid, of which Kelly and his partner were warned beforehand, but this the witness loudly denied, saying it was not true that Kelly had everything packed up and ready to be put in the police wagon and then went away, leaving ten more or less innocent citizens to be arrested.

No Requests and No Advice from Mr. Croker.

He declared that he had never consulted with Mr. Croker about his ambition to be Chief. He knew Mr. Croker, but the latter had never interfered with police matters or given him any advice or made any requests of him. As for the many transfers he had made, none was at the request of politicians or for political reasons. Captain Diamond was sent to the Fifth street station because he was a strong man, who would do his duty and knew the district. He was a good Republican, too, but he was not put there for that reason.

Leo Freedman, a sub-backer of lottery and policy, who was driven out of business by the police four years ago, was called to show that he had been indicted and had paid money to evade trial. This witness is what is known among some people as "a good thing." He is a German of the Weber & Fields type, whose comic dialect and funny views of things kept the room in a roar.

He had charge of a district containing about forty policy shops, his chief being Jacob Shipsey. He lost most of his money at the business and was then arrested and indicted at the instigation of "Angel" Dennett, of the Parkhurst society.

The first indictment, he said, was dismissed on motion of his lawyer, a man named Goldsmith, who received \$700 for the service. The reason given was that the evidence against him was weak.

He borrowed \$300 from Max Gombossy a saloon keeper, to pay Goldsmith for getting the second indictment dismissed. The money was handed over to Max Hochstim, a political leader of the district, to hold, as trustee, until the witness was safe. He gave notes for \$300 to Gombossy and the latter had handed them to a milkman named Seeling for collection. The whole thing was very complicated.

The general idea of Mr. Moss was to show that in some way the city government was to blame for this transaction, but it was not plain that anything had occurred except that Lawyer Goldsmith was well paid for making a motion in court to dismiss an indictment. It appeared also that Max Hochstim has a frugal mind,

too, but every one knew that years ago.

Mr. Moss thought Goldsmith was a son-in-law of Martin Engel. He said that Max Hochstim was the absolute boss of the police district in which he lived, ran the station house and told the residents of the ward where they should buy their meat and groceries, and they didn't dare to disobey him.

The Freedman-Gombossy-Goldsmith-Hochstim deal did not appear highly significant, though Mr. Moss thought it so.

Dr. O'Sullivan made the witness admit that the indictments which he called "blackmailing indictments" were found at the instigation of "Angel" Dennett, and that the police who were being attacked so vigorously at least drove the witness out of the policy business.

The committee adjourned at 4:40 p. m. in order to catch a train for Albany. They will meet next Friday, when Richard Croker will be examined. Other witnesses will be Captain Price, of the Tenderloin district, and Police Inspector Thompson. The last two were in the room, together with Police Commissioner Sexton, yesterday.

Mrs. Croker, whose appearance at the hearing on Saturday caused such a stir, was in the room while her son was testifying yesterday. She sat far back, near the door, and was the only woman in the room. She left before the examination of young Mr. Croker was finished.

The members of the committee would not give any opinions as to the evidence adduced, but they seemed very much pleased while talking among themselves with the result of the day's work. Mr. Moss expressed himself as delighted with the way in which things are going.

"We have done splendidly," he said, "and we will do better yet."

The line of the examination of Richard Croker will be directed toward showing his friendly relations with the Roebing Construction Company and the United Company. Mr. Moss will take the ground that the stock Frank Croker has in the corporation first named was not paid for at all, but was given as a consideration for the elder Croker's influence in getting favors for the company from the Building Department.

MOSS OPENS WITH A GENERAL THREAT.

Mr. Moss opened with this statement: "Mr. Chairman, before we begin the proceedings I wish to say that I have learned that certain disreputable individuals are going about extorting money upon the

plea that they have been engaged to serve subpoenas.

"They state to a man who has reason to believe that his presence might be required that either they have been employed to serve subpoenas or that they are going to be, and that they will withhold the subpoenas for a consideration."

"It has been told me that a man by the name of Glibbins, by the name of Grant are engaged in that work."

"Now, I want to say for the counsel and for the committee that if we lay our hands on any individual who is doing that we will draw off some of our force and devote ourselves to his prosecution. And if anybody is approached by such individuals, he had better understand that they are not authorized."

MR. CROKER ASKED TO APPEAR NEXT FRIDAY.

Mr. O'Sullivan then said: "I would like to announce to the Chairman that Mr. Frank Croker is now in court. He comes here without being served with a subpoena, and voluntarily. I would also like to make the announcement to Mr. Moss and to the Chairman that Mr. Richard Croker desires me to say he will be at the disposal of this Investigating Committee at any time up to the 18th of April, when he is to sail for Europe."

The Chairman—The 18th; that is the date, is it?

Mr. O'Sullivan—Yes, sir; and he will come without subpoena or any request from the Chairman.

Mr. Moss—He is requested to be here next Thursday.

The Chairman—Not Friday, I was a little anxious, that is all.

TOSTEVIN ADVISES THE USE OF GREASE.

William P. Tostevin, architect, recalled, was asked to tell more of his troubles with the Building Department.

Q. I want to ask you about some conversation you had with the Bughan Brothers. You had business with them? A. Yes.

Q. What about? A. A new work they desired constructed.

Q. What did you say to them? A. That, with respect to our trouble with the Building Department,

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DEVERY FEARS NOTHING.

Everything in the evidence to-day that was at all complimentary to any one was given by Mr. Moss in his questions. There were a lot of old exploded bombs fired at me, and they didn't go off.

Nothing has been shown against the police administration. Nothing can be shown. I am doing my best to cope with the situation as I find it. The Chief of Police for the people, and not for Mr. Croker or for any one else.—Chief of Police Devery.

COMMITTEE PLEASSED.

The committee is satisfied with the business-like way in which it is proceeding. We regret having to adjourn over three days to go to Albany, as it breaks the thread of the proceedings.

I am very much dissatisfied with this room as a meeting place. It is very nice, but it is not large enough and it is inconvenient for the newspaper men. We hope to get the Council Chamber in the City Hall for Friday's session, but we are not sure. If we cannot secure it I suppose we shall meet here.—Chairman Mazet, of the Assembly Investigating Committee, to a Journal reporter.

MOSS PROMISES SURPRISES.

"The result of the inquiry so far speaks for itself. There will be some evidence at the next hearing much more sensational than anything we have had yet. We have statements from citizens and policemen that will be a surprise when sprung. In many respects this evidence will be more important than what was brought out by the Lexow Committee.—FRANK MOSS, Attorney for the Mazet Committee.

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