

## CAPT. WARD UNDER FIRE

### Accused Police Official On Stand More Than Three Hours.

### DEFENSE CONCLUDES ITS CASE

#### Lieut. Casey Testifies That On The Captain's Orders He Changed Charge Against J. A. Cunningham

After making a sweeping denial of the charges against him, Capt. Bernard J. Ward, the suspended commander of the Northwestern Police District, under charges for which he is on trial before the Police Board, was confronted at the session yesterday afternoon by Lieutenant Casey, of the Northern district, formerly of the Northwestern district, who declared that Captain Ward had ordered him to change a charge against James A. Cunningham, alleged to have conducted a gambling place on North Howard street, from gambling on Sunday to disturbing the peace.

The defense closed its case at 5 P. M. At the resumption of the trial today the attorneys for both sides will present their arguments.

Captain Ward in his testimony denied any knowledge of the charge being changed, and the statement of Lieutenant Casey created a sensation in the courtroom.

The Captain also stated in his testimony that he had replied to Marshal Farnan regarding the complaint made through a letter of the house conducted by Maggie Hunter, on North Carey street, which has been in the limelight since the charges have been preferred against Captain Ward.

Mr. Charles Watson, the clerk at the Northwestern station, was called to the stand and, despite Captain Ward's testimony that he had replied through the clerk to Marshal Farnan's letter, Mr. Watson stated he had never heard of the letter nor had ever written to Marshal Farnan regarding it. Captain Ward then said it might have been a patrolman in the station house who replied to the complaint received by Marshal Farnan, which was forwarded to the Captain.

#### Cunningham Raided By Plum.

The Cunningham case was the result of a raid made by Sergeant Plum and two patrolmen, who arrested Cunningham and a number of men as already reported. Plum testified that the morning when Cunningham and the men were arraigned at the station Captain Ward came to him and instructed that he change the charge of gaming on Sunday to disturbing the peace. Lieutenant Casey said that Captain Ward did tell Plum to change the charge and also told the lieutenant.

Mr. Miles, in his cross-examination, brought out the fact that Captain Ward was a close friend of "Bob" Davis and that they were at Atlantic City together last summer. It was also brought out by Mr. Miles that Captain Ward and Attorney Harry B. Wolf, were in consultation at Mr. Davis' loan office on Fayette street, near Paca, in regard to the charges against the suspended commander of the Northwestern district.

Captain Ward on the stand testified that when Sergeant Hurley, whose complaint before President Swann resulted in the present trial, handed him a signed report that Maggie Hunter and Edward Stowman had stated to him that they were conducting a disorderly house and paid "Bob" Davis \$75, he handed back the statement.

In the Captain's own account of the conversation he said:

"I heard that before. I don't want that (meaning the report). Six months ago I heard of the \$75. Justice Tyson told a party downtown about it and the party (Capt. Edward Schleich) told me about it. I told Schleich that if the woman wanted to give up the money she might do so, but that I would have nothing to do with it."

#### To Investigate Miller's Statement.

As the result of a statement made by "Bob" Miller, who formerly conducted a saloon on Eden street, near Baltimore, the Police Board will make an investigation into the conduct of Sergeant Hurley. Miller was placed on the stand by the defense and stated at the beginning, before he was stopped by Attorney Miles, that he had given presents to Hurley when that officer was in the Eastern district.

When the questions of the defense were put by Mr. Hayes to the witness regarding Hurley Mr. Miles objected, declaring that the questions were irrelevant, because no foundation for an attack on the credibility of the Sergeant had been laid by the defense. Mr. Miles contended that the defense was trying to vilify Sergeant Hurley. Colonel Swann, representing the board, declared that he wanted it understood that no matter what such testimony would be it would have no effect upon the decision of the case pending.

State's Attorney Owens, Marshal Farnan and Deputy Marshal Manning, were all witnesses for Captain Ward, and they all testified to the good policeman'ship of the Captain and his efforts, as far as they knew, to faithfully perform his duty.

Captain Ward was on the stand for more than three hours, going on about 1.40 o'clock. He became emphatic at times in declaring that he had always tried his best to do good police work and that the charges against him were "trumped up" by certain persons.

#### Lieutenant Casey Testifies.

Following the long cross-examination by Mr. Miles, Captain Ward was followed on the stand by Lieutenant Casey, who was called in rebuttal.

Captain Ward has contended all along that he was not responsible for the change on the blotter in the case against James H. Cunningham, whose place was raided by Sergeant Plum, and the proprietor accused of allowing gambling. The charge, it is said, was made to read "disorderly conduct" and Cunningham was fined \$10 and costs.

Lieutenant Casey admitted making the change on the blotter and said that he had been ordered to do so by Captain Ward. Only a short time before Captain Ward had declared on the stand that he did not order the change, and Lieutenant Casey's testimony made a deep impression.

Asked if any conversation had taken place concerning this change between himself and Captain Ward, he replied that there had.

"Just before I left the district," he said, "Captain Ward came to me and said there was some disturbance over the changing of the charge. He then said he was not present on the morning the charge was changed, and I said 'Oh, yes you were.' As far as I can remember that is as much as I know about the incident."

The blotter of the Northwestern Police Station was produced and shown to Lieutenant Casey and he was asked in whose handwriting the original charge was written and he replied "In the hand of Lieutenant Carter." He said he was sure the change had been made by himself and again emphatically stated that it was at the orders of Captain Ward.

#### Captain Ward Takes The Stand.

Captain Ward went on the stand at 1.40 o'clock. He appeared composed and replied to the questions of Attorney Hayes with a clear voice.

Mr. Hayes:

Q.—You are the party before the board whom the charges we are investigating are about?

A.—Yes.

Q.—How old are you, Captain?

A.—Nearly 52 years old.

Q.—How long have you been in the Northwestern district?

A.—It was two years the 24th of this month.

Q.—Do you know how your record in the department compares with that of other captains?

A.—No, I cannot answer that.

Q.—You are accused of failing to make any record at the Northwestern Police Station at any time prior to November 20, 1909, of a disorderly house conducted by Maggie Hunter. It is said that Sergeant Hurley and Patrolman Kiggins forced you to take up the matter, which resulted in your then making a record of the house and sending the woman's name down to Marshal Farnan to be presented to the grand jury. Are you guilty of these statements?

A.—I am not.

Q.—When did you first hear of the existence of this house?

A.—Not until I received an anonymous communication from Marshal Farnan did I know of the place. It was dated June 5, 1909. Marshal Farnan received the letter and forwarded it to me.

Q.—Tell the board every step you made in getting evidence against the house.

A.—I called Officer Dunn into my office the day I got the letter and told him what the communication contained. I told him I wanted him to make a full investigation of the place and to get evidence against,

the woman if she was conducting a disorderly house.

Officer Dunn reported to me several days before Hurley made his report about the house that he saw a woman come out of the house and I told him to get her name and that of a man he understood was with the woman in the house. He reported to me that he had watched the house for four or five nights to see if any automobiles, cabs or any other vehicles containing men or women stopped there, but he declared he could find no evidence of any such vehicles going to the house.

Q.—Did you transfer Miller from the post?

A.—Yes, I placed Patrolman Kiggins on the post, as he wanted to get a post where there was something going on. I also instructed Kiggins to try to get evidence against the woman. Kiggins took the post during the day and Dunn at night.

Q.—Did Kiggins do his duty in regard to making an effort to get evidence?

A.—He certainly did. I myself went in the neighborhood of the house and met Kiggins one day. He told me then, as he did before, that he could get no evidence of anything wrong at the place.

Q.—Did you tell the woman you wanted to see her?

A.—I believe I told Officer Stevens to tell her I wanted to talk to her. Stevens, I believe it was, informed the woman to this effect and the next day she sent her friend, Stowman, to my office. I told Stowman I did not want to talk with him, but that I wanted the woman to see me personally. The day following she came down.

#### Talk With Maggie Hunter.

Q.—What did she say and what questions did you ask her?

A.—I told her I heard her house was a disorderly one and that she would have to discontinue conducting such a house or I would send her before the grand jury. She said she had a respectable house and that she had but one boarder, Stowman. She said she used to have a niece living with her, but that the niece had left the city. I told her that I had received an anonymous letter about her house and she attributed it to a man who, she said, was in love with her niece and who, she added, had threatened to "get even" with her because she had permitted her niece to leave the city without his knowledge. She said the man was in love with her niece and got angry because he had been "thrown down."

Q.—You are charged with dereliction of duty prior to November 26 in not reporting the Hunter house. Tell what you did.

A.—On November 22 or 23 I called Dunn into my office and asked him what evidence he had, and he said he had one name and would get another before November 29. The report you have there in pencil was handed to me by Sergeant Hurley, who said he had a confession from Maggie Hunter. I told him I had made an investigation about that some time previous, when he spoke of the \$75. I said Justice Tyson had told of that down town.

On November 27 I called Round Sergeant

Swartz and told him to take in every house for two squares on each side of the Hunter house, and in the afternoon he said he could get no evidence. I handed him Hurley's report. I did not get the report back, and asked him for it. He said he did not have it. Then I called Hurley and asked him for it, and he handed it to me.

#### Report To The Marshal.

Q.—Tell the board when you got the name Dunn had spoken to you about.

A.—On the morning of November 29.

Q.—What did you do?

A.—Called the clerk at the station and told him to make out a report to the Marshal in which Maggie Hunter was accused of keeping a disreputable house and Lydia Cook, H. G. Frey, Patrolman Dunn and

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Sergeant Hurley were named as witnesses. The date of the report was November 29.

Q.—Do you remember the first name that Dunn had?

A.—No; Dunn said he would get an additional name.

Q.—What interval elapsed between the time you heard of the house from Dunn and the sending of the report to the Marshal?

A.—At about 9 o'clock I sent the notice to the Marshal, after having heard of it from Dunn's report at about 8 o'clock.

Q.—Where did you get the name of Frey?

A.—From Dunn.

Q.—I recall that Mrs. Hunter spoke of a shore. Did you talk with her about it?

A.—No; I did not talk with her about any shore while she was in my office. She was snappy and seemed angry because I had called her.

Q.—Sergeant Hurley and Patrolmen Dunn and Durkin told on the stand of following a couple from the Hunter house in March. Did you hear of that?

A.—No; the first I knew of that was from the newspapers.

Q.—The second charge against you is of receiving money from Katz. Is this allegation true or false?

A.—It is false.

Q.—Did you ever have a personal interview with Katz?

A.—Yes; it was in reference to the Wands-Rau case. I think I sent an officer to Katz and I believe I had orders from the Marshal to get a statement from Katz. I do not know what has become of the report that I made out at the time.

## The Third Charge.

Q.—Now, to pass to the third charge. You transferred Sergeant Plum after the Cunningham raid. Why did you do it?

A.—I did not remove Plum on account of the Cunningham raid. I removed—or, rather, transferred—him because Mr. Willis, the president of the Police Board, told me to do it. I got those orders before the raid had been made. Plum and Bush, who was to succeed Plum, were in different divisions and I wanted to wait until they could be conveniently changed.

Q.—Have you ever received money or presents from anyone, living or dead, for protection purposes?

A.—I have never.

Q.—Hurley's removal followed the raid on Goldman's place and that on the "speakeasy" of one Thomas. What was your estimate of Hurley as an officer and why did you transfer him?

A.—I will say that Sergeant Hurley is a good and efficient officer, and the raid had nothing to do with the change. I had spoken to the Marshal about the change. Hurley had a small squad and the violations on his post were few. I wanted to send him to the place from which I had received many complaints. I picked Hurley because he would break up violations. I wanted him to go to the Walbrook post because there are many well-known people there and robberies were frequent. Some of the patrolmen on that post were loose and I had warned the round sergeant to carefully watch them. The change I made was for the good of the department and to improve the men. I put Reynolds, who was the sergeant on the Walbrook post, on Hurley's old beat, which included the station house, and I instructed the lieutenants to keep a close watch on him. Since this case began he has been picked up drunk and brought before this board and reduced.

Q.—To the post to which you transferred Hurley, did it increase his responsibility?

A.—Yes.

Q.—Have you any knowledge of any presents made to Sergeant Hurley?

A.—No. Only what I have heard in this room.

## Why He Transferred Scrivner.

Q.—You are charged with transferring Scrivner after the raid on Sidonia Young's house. Why did you transfer him?

A.—I transferred him because I did not think him capable of working that post. Shortly after I came to the district I had complaints about negro women from Captain Cadwallader and Mr. Kernan. I ordered the negroes moved out of Tyson street, and then I heard of the houses in Jasper street. I told Sergeant Plum to clean them out. I heard Sidonia Young was back in Tyson street, and I told Sergeant Busch to get her out of there. I did not get results until I moved Scrivner and Arnold and the new men raided the houses and brought in the women.

Q.—Had you any knowledge of money paid to Scrivner?

A.—No; I never heard of it until I heard it in this room.

Q.—After the raid on Dulany's place you are alleged to have said to Patrolman Emerich: "You have frightened him. I will get the blame for it, and he will go downtown and raise —."

A.—I did not say that. Officer Emerich and myself talked the matter over, and I encouraged him and told him if any blame was laid I would take it. I believe Emerich is a good officer, and when he was brought before the board I asked Lieutenant Kalbfleisch to tell the board so. He evidently did, for the charge was dismissed.

## The Cunningham Charge.

Q.—What is your knowledge of the changing of the charge against Cunningham, the man who ran the alleged gambling place, and the men caught in the raid?

A.—After the case had been disposed of I heard that the charge had been changed. Sergeant Plum told me he lacked evidence of gambling and changed the charge for that reason.

Captain Ward then told of a "frame-up" against him and about meeting Patrolman Oursler, who told him that Plum had stated "I'm going to get even with that fellow Ward."

The defense then produced a number of reports made by patrolmen who had been assigned to raid saloons in the district on Sundays.

When asked by Mr. Miles if he ever attempted to shield or protect violators of the law Captain Ward said: "I have never thought of such a thing."

Mr. Miles asked: Q.—Are you intimate with Davis?

A.—No more than anybody else.

## Davis' Picture In His Desk.

Mr. Miles then asked whether or not he, Attorney Wolf and Davis had not been closeted in Davis' office on Fayette street, to which Captain Ward said that he was at Davis' place when Mr. Wolf came there to consult about getting evidence against men who were fighting him.

Q.—Do you keep a photograph of Davis in your desk at the Northwestern Police Station?

A.—Yes.

Q.—Is it not rather vulgar?

A.—Yes, it is.

He then went on to tell how he came in possession of the photograph.

Q.—Were you in Mr. Mueller's saloon, on Paca street, with "Bob" Davis?

A.—I was not.

Q.—Then from July 6 until November 26, during which time you admit knowing of the existence of the Hunter house, you were unable to get any evidence.

A.—Yes.

Mr. Miles referred to the raid on Sadonl Young's place. He asked Captain Ward if he didn't move Patrolman Scrivner after he raided the place with Sergeant Busch.

A.—Yes, I moved him, but not because he raided that woman's house.

Captain Ward was then asked why he did not refer in his second letter to the Marshal to the first report, which is now alleged to be missing, and he replied that he did not consider it necessary.

## Got No Report, Says Marshal.

Marshal Farnan was next placed upon the stand and when asked to produce a record of raids on saloons, gambling places and disreputable houses stated that there had been 47 raids on liquor violators, 16 on gambling houses and 2 on disreputable houses during the time Captain Ward had charge of the district.

Mr. Miles asked the witness if the Hunter house was included in the two houses raided and he answered in the negative.

Mr. Miles—Have you ever received any report from Captain Ward concerning the Hunter house prior to November 29?

A.—No. No mention was made by Captain Ward of the house until November 29.

Mr. Wolf then asked Marshal Farnan to state his opinion of Captain Ward and he replied: "I looked on Captain Ward as a hard working and diligent officer."

The Marshal further stated that he had been told by several grand juries that he should not send cases to them where only the names of witnesses going in and out of saloons were obtained.

Deputy Marshal Manning was asked for an opinion concerning Captain Ward, and he replied that he always appeared to be an active officer in both the orders from the board and from Marshal Farnan.

## Mr. Owens Commends Him.

State's Attorney Owens said that Captain Ward was excellent as an officer of the law, but as a captain he could not say, for he came in contact with that phase of the accused Captain's official life but little.

"I first met Captain Ward," said Mr. Owens, "during the Chinese troubles in 1907. There was trouble with the factions of the Chinese. I want to state while I am here that part of the statements of the Harmon woman on the stand the other day were false. She said two of the cases against her were statted. This was not true. She was fined in both of them."

Mr. Wolf then asked Mr. Owens if he ever found that Captain Ward was inclined to suppress disorderly houses or to connive at Sunday liquor selling.

A.—I found him inclined to do his duty and no manifestation of unwillingness to discharge it.

Before leaving the stand Captain Ward said that he wanted to make a statement concerning a picture he alleges was taken from his desk at the station.

"There were 14 or more men on the shore on Rock creek," said Captain Ward, "and some one took a snap shop of them and sent me one of the pictures. I left it in my desk. It was the birthday of the owner of the shore and he invited me to come there. I took a day's leave and went."

It was then 4.30 o'clock and the witness had been on the stand just three hours and seemed tired. The Captain stepped down and at once took his place with his counsel and they conferred.

In rebuttal Mr. Miles called Marshal Farnan and questioned him about any report he had received from Captain Ward prior to November 29 in which the Hunter house was mentioned. Marshal Farnan said he had received no report from Captain Ward before November 29 concerning the Hunter house.

The Marshal's secretary, Mr. John Swi-gert, Jr., was then called and showed by a record that the letter that Marshal Farnan had sent to Captain Ward calling for a report on the Hunter house had never been answered through the Marshal's office.

At this point the board declared adjournment and will meet this morning from 10 o'clock until noon, and Mr. Hayes said he will argue for about one hour and Mr. Miles said he would probably not reply. It is expected that the verdict of the board will be made known either late Saturday afternoon or Monday morning.