

WARD TRIAL BEGUN

Six Witnesses Testify Before The Police Commissioners.

SERGEANT HURLEY EXAMINED

Marshal Farnan, Patrolman Kiggins, Maggie Hunter And Edward Stowman Give Testimony.

Testimony In Brief.

In the trial of Capt. Bernard J. Ward, which began before the Police Board, six witnesses were examined.

Marshal Farnan gave formal testimony as author of the charges of neglect of duty and other official misconduct.

Sergt. Charles E. Hurley testified that he procured a statement from Maggie Hunter that she had sent \$75 to Robert E. Davis with the intention of securing police protection after she had been told that she would not be disturbed if she did so.

Patrolman James T. Kiggins, who was present when the statement was signed, corroborated the Sergeant.

Maggie Hunter told of sending the money, as related by Sergeant Hurley.

Edward Stowman testified that he took to Davis what he was told was \$75, but that he did not count the money.

Patrolman Edward J. Dunn related his efforts to get evidence against Maggie Hunter.

The trial will be resumed today.

The story of the \$75 which Maggie Hunter, keeper of an alleged disorderly house on Carey street, swears that she paid to Robert E. Davis, a local politician, to prevent police interference with her house and the testimony of patrolmen affecting the knowledge which Captain Ward had of the character of the house were the dominating features of the trial of the Captain, which opened yesterday morning before the Police Board.

The corridors of the Courthouse were crowded with politicians and witnesses. Captain Ward was defended by ex-Mayor Thos. G. Hayes and ex-Congressman Harry B. Wolf, while the Police Board's side was presented by Mr. Alonzo L. Miles, its counsel.

Frequent disputes by counsel delayed the trial. Captain Ward's lawyers tried to exclude testimony which the board considered important. At one time Mr. Wolf was asked to speak in a lower voice and Col. Sherlock Swann and Commissioner Whittle both had arguments with him, when he insisted upon some of his points.

Mr. Miles tried to trace a relationship between Captain Ward and Davis by inference, and it is understood that at today's session this will be followed more insistently. Mrs. Hunter swore that she was called to Captain Ward's office by him and that soon afterward she paid the \$75 to Davis at the instance of Edward Hargrave, clerk to the First Branch City Council. She insisted that the two occurrences had no direct relation.

In connection with Captain Ward's knowledge of the Hunter house it was testified that Patrolman Dunn had secured the name of one witness against the place last June, but while Captain Ward knew of this Dunn's efforts of six years to secure evidence against the place had not materialized until three days after Sergeant Hurley had secured her confession about the \$75. Then Dunn was told by Captain Ward to get evidence and he did it the same night, turning the name in the following morning, and the case was sent to the grand jury the same day.

Marshal First Witness.

The board convened at 10 o'clock and Colonel Swann, president of the board, read the charges against Captain Ward, which alleged neglect of duty in failing to report the presence in his district of a disorderly house, official misconduct in accepting gifts of money from Louis Katz, saloonkeeper, who, according to Sergeant Plum, told the latter that he was paying Captain Ward for protection, and intimidation of officers in their work against violators of the liquor laws.

Mr. Miles read the rules governing trials of members of the force and defined the duties of police captains, who, he stated, were responsible for the existence of disorderly houses in their districts.

Mr. Hayes stated that he would reserve any argument or statement until he had heard the testimony.

Marshal Farnan was the first witness. He stated that last May he received an anonymous letter telling of the existence of a disorderly house on Carey street. He said he gave this letter and also another complaint to Captain Ward, but had received no report from the Captain.

"When did Captain Ward take up the matter with you?" he was asked by Mr. Miles.

"A few days after my attention was again called to the house, which resulted in the charges he brought against Captain Ward," he replied.

The question of accepting secondary testimony was then discussed by the counsel. Mr. Hayes said that the method of procedure in trying officers was barbarous and dangerous, not giving the accused an opportunity to be protected behind only legitimate evidence.

Mr. Miles replied that the Police Commissioners had their own procedure and that they would have to adhere to this method. In their efforts to investigate charges against the members of the department he said duty requires the Commissioners to consider all evidence.

Sergeant Hurley Testifies.

Sergeant Hurley was then brought on the stand. He was asked by Mr. Miles to rehearse his investigations as told to the Police Board when they previously examined him before referring charges against Captain Ward. He said he started his investigation the latter part of November, when he received information that a woman, only wrapped in a cape, left the house in company with a man. He also told of his removal in the district on two occasions after he had made raids on saloons.

"When I went to the Hunter house with Patrolman Kiggins I did so because I felt it my duty," he said. "The information I had received led me to believe that it was a disorderly house and should be investigated. I went to the house on November 26 and asked the woman what sort of house she kept. I asked her point-blank whether it was a disorderly house. She acknowledged that it was. Several days before I went to the house I looked on the disorderly house book in the station and did not find the woman's name. I thought that was funny, and when I saw her I asked whether she had ever been before the grand jury or paid her indictment fee. She said that she had paid \$75 to Bob Davis through a friend, a Mr. Stowman, and she felt that she was paying enough for police protection."

"I told her that her name was not down at the station and that she had never been indicted by the grand jury. I wrote out a statement to this effect and with Patrolman Kiggins I asked that she sign the statement. She put her X-mark to it. Stowman signed the statement, as did Patrolman Kiggins and myself."

By Mr. Wolf:

"Did you know of the existence of the house before December?"

"I did, and investigated it, but at that time I was shifted several times and could not complete my work."

By Mr. Miles:

"What did you do after you got the statement from the woman?"

Statement To Captain Ward.

"I took the statement to Captain Ward with a report as to my investigations regarding the house. I handed both to Captain Ward, telling him at the same time what the woman told me about paying \$75 for police protection."

"That's the \$75 I have been accused of getting," the Captain replied, rising to his feet. He handed me back the report. That night he instructed Patrolman Dunn to investigate the house. I thought the manner in which Captain Ward talked to me about the statement the woman made to me was not right, and for the reason that a reporter saw me I should take the matter up with the Police Board. For that reason I went to Colonel Swann and told him all about my investigations of the house and of the statement made to me by the woman and Stowman."

"What was the result of your previous investigation of the house?"

"One day with Officer Dunn I saw a man and woman come out of the house, and I told Dunn to follow the woman and another

officer to follow the man. Dunn reported to me that he saw the woman go into a house near the Carey street house, but he did not at that time get her name. The man was followed to the Mount Royal Apartment House; and his name was presented to the grand jury several days ago.

"Maggie Hunter told me she would rather go before the grand jury because she believed she would not have to pay as much money to them as she did to other persons."

Mr. Hayes here interposed with the argument that he did not think the statements of the woman to Hurley should be accepted. Mr. Miles contended that they should be. Sergeant Hurley also told of a conversation he had with Round Sergeant Schwartz the following morning, saying that Schwartz wanted Hurley to further investigate the house.

"How long have you been in the Northwestern district?" asked Mr. Miles.

"Two years," replied Hurley.

"Were you removed during that time?" asked Mr. Miles.

"Yes, from Section 4 to Section 2."

"Did this follow a raid?" asked Mr. Miles.

"It did; on a saloon run by John L. Nolan, which occurred May 16, when I saw two men go in an alley alongside of Nolan's saloon."

Mr. Hayes:

"In the special charges against Captain Ward nothing is said about the raid on Nolan's saloon. They referred to a saloon kept by a man named Goldman. I object."

Raid On Goldman's Place.

The examination was taken up by Mr. Wolf.

Mr. Wolf—Were you transferred to the post including Goldman's saloon?

A.—I was moved to that section September 8. While on that post I made four raids—two saloons, a disorderly house and a gambling house. I raided the saloon of



MR. ALONZO L. MILES

Goldman on September 12 at 1.15 o'clock. It was Sunday morning. I entered there with Patrolmen Granger and Brandt. There were four men standing at the bar. We got three mugs of beer and three other witnesses. I believe the department still has these mugs, which were labeled. Goldman was released on bail that morning at 4 o'clock and was dismissed by the magistrate when the case was called. I raided the place of Steven J. Thomas, 2207 Brunt street, on September 26. He pleaded guilty. This was on Sunday. On the following Thursday I was moved.

Q.—At any time that you were moved did Captain Ward give you any reason?

A.—No, he did not. I have never but once had a cross word with Captain Ward, and that was in the Courthouse.

At the instance of the board Sergeant Hurley was asked to give a complete explanation of the Goldman raid. He said

"I noticed the place about a week prior to the raid. There were repairs being made, and I could see men in the place. By the time I got my men together they had gone. On the night I made the raid an automobile stopped at the place and two men got out. It was about 12.50 A. M. I went out and got three patrolmen and returned about 15 minutes later. As a waiter was letting a man out two of the patrolmen and myself forced our way into the place. Mrs. Goldman came downstairs and said, 'Telephone for Bob Davis.' Davis was at the station house when we arrived there. The automobiles were running to and fro, and finally they brought Justice Carr there and Goldman was released at 4 o'clock in the morning. Later in the morning the case was dismissed."

Q.—Don't you know that it was upon the recommendation of Captain Ward that you were transferred from the Eastern to the Northwestern district?

A.—I have reason to believe that is correct.

Q.—What was the condition of your halliwick when you took charge of it?

A.—It was not in such bad shape.

Q.—Did Captain Ward ever tell you that he did not want you to raid any particular place?

A.—No.

Q.—In the seven months that you were on duty in the halliwick in which the Hunter house is located what evidence did you secure?

A.—I never knew it for a fact until I secured the confession from the woman.

Q.—What made you grab the man by the arm in the Courthouse?

A.—I recognized him as a man I had seen coming out of the Hunter house and I wanted him to testify.

Instructions About Raids.

Captain Ward had not told him not to raid the Goldman saloon, he said, and he had received no special instructions from the Captain. He said he had been changed from the west to the east side of Pennsylvania avenue on one Sunday in October without being given any reason for the change.

A letter received by Sergeant Hurley was asked for and was handed to Mr. Wolf. He said he had shown it to Captain Ward and had made an investigation in the matter referred to in the letter with Round Sergeant Swartz. Complaints had been received from the people in the neighborhood about the Hunter house. He said the letter was received December 11, and it was shown to State's Attorney Owens, who said it was of no material value.

Mr. Whittle—In your reports of houses do you give the names of witnesses?

Sergeant Hurley—We do if we have any.

Officer Joe Carroll told me that he gave in names of witnesses and he was taken off his beat.

Mr. Wolfe—Can you say if Captain Ward ever intimated that you were not to get names of witnesses?

Sergeant Hurley—No.

At this point it was decided that no further questions were to be asked of Sergeant Hurley, and he was dismissed.

While Sergeant Hurley was testifying about the letter of December 11 he informed the board that a personal letter which had been received at the station house Christmas Day had been opened. He said that on that day he was called to the station house and handed the letter by Round Sergeant Swartz, who informed him that it had been opened by Sergeant Bush. Sergeant Bush says he opened it by mistake.

Patrolman Kiggins' Version.

Patrolman Kiggins, of the Northwestern district, was the next witness called by Mr. Miles. The patrolman said he had worked the beat on which the Hunter house was located and tried to get evidence against it. He did not visit the Hunter house until November 29, and he then accompanied Sergeant Hurley and was surprised at the confession the woman is alleged to have made. According to Patrolman Kiggins, she said the privilege of running the house had cost her dearly, she claiming to have paid \$75 and pointed to Stowman as the man to whom she had given the money.

"Did she make any remark as to Captain Ward?" queried Mr. Miles.

Kiggins—She said Captain ought to know about this house; he has been investigating it long enough.

Mr. Miles—Did she say "Captain Ward?"

Kiggins—No. She merely said "Captain."

Mr. Miles—Did you see her sign the confession?

Kiggins—She first refused to sign, but then Stowman signed and she put an "X" mark and I signed later. Sergeant Hurley and I signed it later in a drug store.

Mr. Miles—What did Captain Ward say when Sergeant Hurley handed him the report?

Kiggins—Captain Ward said: "What I want is evidence against this house. This is not a collection agency. He said the \$75 matter was what he had been accused of some time before."

Mr. Miles—Did Captain Ward read the report?

Kiggins—I can't say. He handed it back to Sergeant Hurley.

Patrolman Kiggins went on to state that he had particular instructions from Captain Ward concerning several places in the

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district. He said he had been three times in Katz's place on a Sunday, but had seen no violations of the law.

Continuing he testified that he had complimented Captain Ward on the condition of the district, and said it was one of the best in the city. He said Captain Ward suggested a change for him at one time, and said he would put him on the post where the Hunter house was located. Kiggins said he told the Captain he would be glad of such a change. Investigation, he said, failed to develop a basis for the complaints of neighbors along Carey street, and he declared he never seen any beer being taken into the house. This was after Captain Ward had received a letter from the Antisaloon League, he said, and he had been ordered to investigate.

Captain Ward had inquired from time to time, he testified, if there was any additional evidence against the Hunter house and he (Kiggins) told him there was none.

Mr. Whelple Inquires.

Mr. Whelple then took up the stenographic record of the previous investigation conducted by Marshal Farnan. Reading answers by Kiggins to questions by the Marshal, which differed materially from those he had just given, Mr. Whelple intimated that there was a discrepancy somewhere, and asked Kiggins why it was.

"The Marshal asked you, Kiggins," Mr. Whelple said, "how long you were on your post. You answered 'four months.' You said at that time you did not hear of the Hunter house from any source, and in your testimony just given you say that you had seen two letters to Captain Ward from other sources in which the Hunter house was declared to be a disreputable place. You have just stated that you made an investigation. The Marshal also asked you when you first heard of the Hunter house, and inquired if it was not when you went to the place with Sergeant Hurley, and you replied 'Yes.' How do you account for these conflicting statements?"

Kiggins was rather embarrassed and said he thought the Marshal ought to have known everything that was going on. He was excused from the stand.

Maggie Hunter Called.

Maggie Hunter went on the stand at the opening of the afternoon session. She appeared nervous and was assisted into the room by her sister.

In reply to questions asked by Mr. Miles she stated that she owned the house she lived in and had occupied it for seven years. She made no denial of its reputation, which resulted in her name being sent to the grand jury.

Q.—Did you ever pay anyone \$75 ostensibly for protection—to be indicted by the grand jury?

A.—Yes. I paid \$75 through a friend to "Bob" Davis, which was to be used for an indictment.

Q.—When did you pay the money and who is your friend?

A.—The money was paid early in June by Mr. Ed Stowman, my friend.

Q.—Did Captain Ward send for you?

A.—Yes. He told me he was going to send my name to the grand jury. He said he had information and several witnesses.

Q.—What else did he say?

A.—I don't remember much about it. Something was said about Eddie Hargrave, and we talked about a shore that they both went to. I asked the Captain if he knew him. What was said I am not sure of, except that we talked of someone who put soap in the soup down at the shore.

Q.—Did you take any further action in your case?

A.—Yes. A day or so later Hargrave, who is a friend of mine, came to my house and I asked him to give me some advice as to how I could get police protection. He telephoned later to arrange with "Bob" Davis, who, he said, could fix it with the grand jury. He told me where Davis' office was.

Q.—Did you see Davis?

A.—Yes; I went down to Mr. Davis' office, on Fayette street, near Paca, and he told me that I would have to give up \$75 to fix my case.

Q.—Did you pay the money yourself?

A.—I sent the money down to Mr. Davis by my friend, Mr. Stowman, following the advice given to me by Mr. Hargrave.

Q.—Did you get a receipt for the money?

A.—Mr. Stowman did not get a receipt, but he told me he gave Mr. Davis the money.

Q.—Do you know Sergeant Hurley?

A.—I would not remember what he looks like now. He came to my house on November 28.

Q.—Do you remember signing a statement you made to Sergeant Hurley and Patrolman Kiggins?

A.—Yes; I remember placing a cross-mark to my name, which was written by Mr. Stowman.

Q.—Do you know what the statement contained?

A.—I do not. I may have said that I kept an insane asylum for all I know. They had worried me so badly that I did not know what I was doing.

Mention Davis and Hargrave.

Q.—Did Mr. Davis ever come to your house?

A.—Yes; about a year ago.

Q.—Did he buy a saloon in your neighborhood?

A.—Yes; on Pennsylvania avenue.

Q.—Did you patronize it?

A.—Yes, sometimes. I bought beer or whisky there when I had company. In fact, my visitors always paid for the beer which they sent for.

Q.—Did you ever say anything to the president of the Police Board about paying money to Davis to be given to the Sheriff?

A.—Yes; I did.

Q.—Did Mr. Hargrave say anything to you about Captain Ward?

A.—No. He did not.

Q.—What was the conversation you had with Hargrave?

A.—I do not remember anything else outside of paying for my indictment.

Q.—Did you go and see Davis?

A.—Yes, after I had talk with Mr. Hargrave I went down to Mr. Davis' office and he told me to give up \$75 and I would be fixed up with the grand jury. He never mentioned Captain Ward's name. I never had any dealings with Captain Ward until the time I went to see him and he told me about the names he had of the persons who visited my house as my guests.

Q.—Did Captain Ward send for you at any time previous to the time you went to see him?

A.—Yes, I got a telephone message that he wanted to see me. I told the party on the telephone that if Captain Ward wanted to see me he would have to come to my house.

Q.—Did you send anyone to see Captain Ward?

A.—Yes, Mr. Stowman.

Q.—Did Captain Ward say anything to him?

A. No. Captain Ward refused to talk to him, saying that I would have to consult him.

Q.—Did he mention anything further to you other than he intended to take up your case with the grand jury.

A.—Yes. He spoke about a trip to Mr. Hargrave's fishing shore.

Q.—Did Mr. Hargrave ever say anything to you about the fishing shore?

A.—Yes. He told me about a time Captain Ward was down to it and somebody put a bar of soap in a bowl of soup that some "sport" was drinking.

Q.—Did Stowman ever buy beer at your house?

A.—No, he bought his own beer at the saloon on Pennsylvania avenue.

Q.—Did Davis keep the saloon?

A.—Yes, but only two weeks.

Q.—When did you send the money to Davis?

A.—Two days after I went down to see him.

By Mr. Whelple—What prompted you to pay the \$75?

A.—Well, after Captain Ward sent for me I talked with Mr. Hargrave, which resulted in my seeing Mr. Davis. I wanted to pay my indictment before Captain Ward sent me before the grand jury.

What She Told Colonel Swann.

Mr. Whelple then spoke of a statement she made to Colonel Swann when he and the other Police Commissioners went to her house. She was asked several questions relative to the statement by Attorney Miles when Attorney Wolf asked that the statement be given to Captain Ward's counsel. There was some argument over this, which resulted in the board reading the statement, which in almost every particular coincided with the testimony she had given previously on the stand.

In her statement to Colonel Swann she said that Davis told her Captain Ward had a list of names of patrons of her place before she gave up the money.

Mr. Wolf produced a letter which Captain Ward received referring to the Hunter house.

"I never saw the letter," she said, "but I have some recollection of Captain Ward talking to me about it."

"How long have you been harrassed?" asked Mr. Wolf.

"Ever since I paid over the money.

Mr. Wolf tried to show that the woman was being persecuted and an attempt made to entrap her, which he said went to prove that Captain Ward tried to get evidence against the house.

Mr. Miles said that this could not be proved as the people who went to the house might not have gone there to persecute her. She was then excused and assisted from the room by Marshal Farnan.

What Edward Stowman Said.

Edward Stowman, the next witness, in answer to questions by Mr. Miles, said that he had lived at the Carey street house for three years, and in that time had not done any work.

Mr. Miles—Did you ever pay a bill to Mr. "Bob" Davis?

A.—Yes, sir. I couldn't say exactly, but it was about June 10.

Q.—How much did you pay him?

A.—Mrs. Hunter said it was \$75. I didn't count it.

Q.—Where did you take the money?

A.—To "Bob" Davis' office on Fayette street.

Q.—Did Mrs. Hunter tell you about seeing Davis before in his office?

A.—Yes.

Q.—Did she mention Captain Ward's name?

A.—She spoke of having seen Captain Ward. That was before she paid the money.

Q.—Did she ever pay money before or not?

Mr. Wolf and Mr. Hayes objected. The board allowed Mr. Miles to resume.

Q.—What conversation did you have with Davis?

A.—None. Except to say "Maggie sent me here to attend to that." He took it and made no reply.

Q.—How long have you known Captain Ward?

A.—Since 1880.

Q.—Are you familiar with a shore which Davis goes to?

A.—No. I have heard of it.

Stowman was shown the statement which Sergeant Hurley had written and to which he had placed his own name and that of Mrs. Hunter. He said the signatures were correct, but that the paper he signed was yellow, while the one shown him was white. When asked to point out differences in the statement he said the one exhibited "had more in it" than the previous one.

Mr. Miles again took up the subject of Captain Ward and "Bob" Davis, asking:

"Have you ever seen Bob Davis and Captain Ward together?"

"Yes," the witness answered, "once at the station house, but not again as I remember."

Patrolman Dunn Tells Of Work.

Patrolman Edward J. Dunn, who was called next, said that he had worked the post on which is situated the Hunter house for six years. In 1906, he said, he first reported the place as suspicious, and that he had tried since then to get evidence against it. He said that he had heard Captain Ward speak of the house soon after the Captain had come into the district. Dunn said the Captain told him to get evidence. When closely questioned by Mr. Miles as to why he did not secure evidence he said that he had seen people come out of the house, but had not been able to learn any names until last June. He did not send any name to the grand jury then.

On the night of November 18 he got another witness and turned it in at the desk at the Northwestern Station at 4 o'clock on the morning of the 20th.

A look at the record of Marshal Farnan showed that the names had been taken to the Marshal's office by Captain Ward on the same morning and had been sent to the grand jury a few hours later.

Mr. Miles then called the board's attention to the fact that the statement of Mrs. Hunter had been given to Sergeant Hurley and Patrolman Kiggins November 20. The inference which he drew was that while Dunn had known the name of one witness since June neither Captain Ward nor Dunn had deemed it sufficient evidence against the house until the Hurley investigation.

This concluded the testimony for the day.

May Have Night Session.

The board will probably hold a session tonight. Colonel Swann said that the board desired to facilitate the trial as much as possible, and Mr. Hayes said he would rather have a night session than sit until 5 o'clock in the afternoon.

It is understood that Mr. Miles will today call Mr. Hargrave to ask him concerning the statements of Mrs. Hunter in connection with the alleged payment of \$75. He has denied any knowledge of the transaction.

Robert E. Davis, who has been mentioned in the testimony, stood in the corridor while the board was in session and talked with friends. When the statement of Maggie Hunter was repeated to him he said: "She is lying."