

MAY HEAR WARD TODAY

Testimony Against The Captain Practically All In.

SERGT. PLUM TELLS OF RAID

Also Repeats That Louis Katz Told Him He Was Paying For Protection—Patrolmen Corroborate Him

Testimony In Brief.

Sergeant Plum testified that Louis Katz, a saloonkeeper, told him that he was paying \$20 a month to Captain Ward for immunity from police interference. The Sergeant declared untrue affidavits made by negroes alleging that he had accepted money for protection.

Patrolman Stevens said Captain Ward had told him, "The liquor men down town are raising — about you."

Patrolman Emrich testified that Captain Ward had told him, "You have him frightened (meaning a saloonkeeper), but he will go down town and raise —. I will get the blame."

Patrolman Boorman said John Ranft, a saloonkeeper, had called Captain Ward as a witness in a court case and the charge was dismissed.

Other patrolmen testified to being changed from posts after activity concerning places suspected of violating the laws.

It is believed the testimony for the defense will begin today and that Captain Ward may be called.

The testimony in support of the charges of neglect of duty and other misconduct against Capt. Bernard J. Ward, of the Northwestern Police district, was practically closed before the Police Board yesterday afternoon after two long sessions.

Mr. Miles announced that he did not think he would call any more witnesses, but would decide that by the opening of the session today.

Captain Ward may be the first witness in his own defense today unless there be some change in the plan of his counsel. About 60 witnesses have been called for his side, including several well-known men, and while their examination will require some time it is expected that there will be a verdict by Friday or Saturday at the latest.

Sergeant Frank J. Plum, now of the Northeastern district, and Patrolmen Stevens, Emrich, Casey, Webster, Boorman, Phillips and Scrivner were the witnesses yesterday.

Sergeant Plum testified that Louis Katz, a saloonkeeper, told him that he was paying Captain Ward \$20 a month for police immunity and that Captain Ward told him not to bother about going to Katz's place for certain information.

The Sergeant said that after raiding an alleged gambling place kept by a man named Cunningham, on North Howard street, Captain Ward had requested him to change the charge against the man from gaming to disturbing the peace, which he did. The Sergeant added that Cunningham had told him at the time of the raid that he was a friend of Ward's and the raid would mean a change of sergeants. Sergeant Plum declared that two days later he was sent "to the woods."

Messrs. Thomas G. Hayes and Harry B. Wolf, counsel for the defense, read to Sergeant Plum affidavits made by several negroes who charged that Sergeant Plum accepted money for protection. Plum hotly denied the charge.

The patrolmen told of investigations concerning certain places in the district, which were followed by their removal.

Patrolman Stevens Tells Of Raid.
Patrolman Edward Stevens was the first witness at the opening of the session. He said he was sent by Captain Ward to Maggie Hunter's house to tell her that the Captain wanted to see her at his office at 6 o'clock.

Mr. Miles then took up the specification, which charges that Captain Ward attempted to intimidate Stevens after his activity against saloons.

Stevens described his raid on Slater's place, and said that the grand jury had dismissed the case without calling him into its room. He said a witness had been supposedly missing for several days, and he had found him. Following the dismissal of the case, he said, he felt aggrieved after working so hard, and he went to State's Attorney Owens' home and complained to him about the grand jury's action. He then said:

"The Captain called me into his office and asked me why I had seen Owens, and he said 'The liquor men are raising the mischief about you.'"

"A week later he again called me into the office and said that there had been more complaints about the Slater place and told me that unless I 'got' the place he would take me 'down town' and I might lose my job."

Q.—Did this conversation with you affect you any? Did it discourage you in any way?
A.—No. I was discouraged before that, when the case was dismissed by the grand jury.

Mr. Miles desisted from further examination, and on cross-examination by Mr. Wolf Stevens said that Captain Ward had threatened to take him before the board unless he "got" the Slater place.

Stevens could not satisfactorily reconcile the alleged intimidating language and the urging to "get" the place.

Patrolman Andrew J. Durkin, who followed Stevens, told of following a man who came out of Maggie Hunter's place in an attempt to gain evidence against it.

The next witness was Patrolman Cullison, who said he was present at the Northwestern Police Station November 26, when Sergeant Hurlley had handed the report of the Hunter house to Captain Ward.

It was next testified by Patrolman Emerich that he, too, had been present and had heard the Captain say "that's the \$75 I have been accused of getting."

Alleged Intimidation.
Mr. Miles then took up the specification, which charges that Captain Ward used intimidating language to Emerich, following his activity against the saloon of Joseph S. Delaney.

Emerich said he had first assisted at a raid on Delaney's place on October 18. Later he said he had been assigned to the post around Delaney's place, and found that Delaney was selling liquor on Sunday by means of four negroes, who were selling it in bottles on the street. He described another raid he alone made on a back yard near Delaney's. He said Delaney had come to the station when the men arrested had been brought up for trial. Emerich said:

"I said to Captain Ward, 'What is Delaney doing down here; there seems to be nothing against him?' And Captain Ward said: 'You have him frightened; there has been less rum sold since you have been there, but I will get the blame for it; Delaney will go down town and raise—.'"

"What did you understand the Captain to mean by that?" he was asked.

"He had me guessing," the Patrolman answered.

When Mr. Wolf asked the witness if Captain Ward had even given him any instruction to raid saloons or get liquor violators he said "No."

Sergeant Plum Testifies.
Sergeant Plum was then called and the first question of Mr. Miles concerning the Katz charge precipitated the most seriously fought legal battle of the trial.

Mr. Hayes and Mr. Wolf made determined efforts to have the board rule that as all of the evidence to be produced in connection with the Katz charge was confessedly hearsay it should be excluded.

He said it was "a travesty on justice," and Mr. Wolf said that "the life and reputation of Captain Ward was at stake," and that the statements of persons who had no positive knowledge of a transaction should not be allowed to testify.

Mr. Miles argued that the board had a right to obtain information through its own officers, and that as Captain Ward was not charged with crime the technical rules of evidence need not be followed. President Swann said the Commissioners would allow the testimony and then judge for themselves as to its worth.

In answer to Mr. Miles' question Sergeant Plum said:

"On November 9 I went to Katz and asked if it was true that he had told Pa-

trolmen Casey and Webster that he had paid for police protection, and he said that he had, and while he had been paying for protection he was not receiving any."

"On May 10, Captain Ward summoned me into his office and told me that a man in my squad had been drinking heavily, and frequently hung around Katz's saloon. The man was Bernard, but the Captain told me that I need not bother about it, and that I should not see Katz to find out whether it was true."

"Despite that I felt it my duty to go, and I went to Katz and asked him if it were true that Bernard was drinking in his saloon while on duty. Katz said he was not."

Tells Of Katz Case.
"Katz," I then said, "tell me, again, is it true that you have been paying Captain Ward for police protection, as you told me before and also told Patrolman Casey?" He then replied:

"Yes, it is true; I am paying for police protection one day and getting raided another. I am paying Captain Ward enough money to pay for a large rental on a house. I then told him not to pay Captain Ward any more money, as neither the Captain nor anyone else could prevent his place from being raided. I then left the saloon."

"On Sunday, May 23, Katz, who was standing outside his place, said to me: 'I have not done a thing today, but I saw the Captain and he told me that there were no complaints against me and I could go ahead.' I did not have anything further to say to him, and on June 6 I met Katz at Lanvale and Gilmor streets. He asked me how I liked my new district. He told me that business was 'rotten.' I again started to talk to him about his talk concerning the paying for police protection. I asked him this question: 'Would you be willing to go before the grand jury or Police Board and make the statement that you have paid money to Captain Ward for police protection?' He replied that he would, and when I asked him if he was telling the truth he said that he assuredly was."

"Did anybody hear you talking with Katz when he said that?" asked Mr. Miles.

"Patrolman Casey was standing with us for a while, he having come up while we were talking," replied the Sergeant. "I cannot say whether he heard Katz tell me he would go before the board and grand jury or not."

"Katz," I then asked him, "are you willing to tell me how much you paid?" He replied, "\$20 a month." I made notes of my conversation in my police note book.

"Katz then said: 'Let me tell you how I did it.' He went on: 'The first time I got Captain Ward money I took it down to his office at the Northwestern Police Station and put it in an envelope and placed it on a shelf. The second time I put it in the same place, and after that I gave it to him in his hand. I also sent money to Ward by my two bartenders, Horace and McDermott.'"

Raid On Alleged Gambling Place.
"Sergeant," asked Mr. Miles, "tell us about a raid you made on an alleged gam-

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bling place on Eutaw street, which was followed by your removal."

"Captain Ward instructed me to raid a place on Eutaw street which it was believed was a gambling place," replied the witness. "I went to the place with two patrolmen but could find no evidence of any gambling. After I had left the place I was met by a man, whose name I do not know, who told me that if I wanted to raid a gambling place I should go to Cunningham's place on Howard street. I took two officers and went to the place, as the man told me he had lost \$14 in a game of poker—I rang the bell to the place and a negro porter came to the door and one of my officers grabbed him while another officer and myself went upstairs and we found a number of men playing poker.

"Mr. Cunningham then said to me: 'I'm a friend of Captain Ward. You ought not to do this, I'll have you removed to another post.'"

"This made me mad and I told him I would clean out the entire place, meaning that I would take all the furniture and paraphernalia. However, I took only what I thought would be necessary as evidence to convict Cunningham of running a gambling place. I took the men to the North-western Station and charged them with gaming on Sunday.

"The next morning Captain Ward came to me and asked that I change the charge against the men to disturbing the peace, which I did.

The next day I was told when I reported for duty to report back at the station at noon, which I did. I learned that I had been removed. I felt indignant and went to Captain Ward with the others who were with me on the raid and asked him if I was to be removed because I made the raid. He said 'No' and he also told me that it was not police policy to tell why a man was transferred from one post to another. I said I would see the board about the matter and I came down to Colonel Swann, but the matter was dropped at that time."

"Prior to the Cunningham raid did you ever have any trouble with Captain Ward?" asked Mr. Niles.

"No," replied the witness. "I gave out the statements concerning the Katz charges only after I got angry following information that Captain Ward was vilifying me.

"You say," asked Colonel Swann, "that on July 6 Katz told you he was willing to go before the grand jury or the Police Board and swear that he had been paying Captain Ward for police protection. Why did you not take this matter up at that time?"

"Well," replied the witness, "I did take it up with my round sergeant and Lieutenant Kalfelsch and, I believe, with Lieutenant Carter. I did not want to cause any trouble at that time and as a matter of fact I did not have time to attend to the matter because I had been transferred from the district and intended waiting to take the matter up."

Questioned As To Young Case.

The witness was then turned over to Mr. Hayes for cross-examination after establishing the date at which the sergeant came under the jurisdiction of Captain Ward. Mr. Hayes asked him to repeat conversations with Katz.

Sergeant Plum said he had five or six talks in which Katz admitted that he had paid money to Captain Ward, and was tired of it and would prefer to be indicted by the grand jury to paying "hush" money, and was even willing to go before the Police Board and tell what he knew. He further stated that he and Captain Ward had never been on unfriendly terms.

Mr. Hayes then produced a signed statement of Sldonia Young, in which she stated that she had paid Sergeant Plum \$3 weekly for protection, and that Sergeant Plum had advised her to move back to the house at 510 Tyson street.

Sergeant Plum emphatically denied having received any money or presents from the woman, and stated that he had always compelled her to move when he found her in one of her old haunts.

A recess of 45 minutes for lunch was taken at this point. When the session was resumed Sergeant Plum again went on the stand.

Man Behind Curtain.

Mr. Hayes then asked if in the raid at Cunningham's place a man was not hidden behind a curtain, and he knew it and allowed it, so that he would not have to go before the magistrate. He was asked further if when those caught in the raid were taken to the station one man was not allowed to go.

Sergeant Plum denied that anyone known to him hid behind the curtains, and said he heard that one man was allowed to leave the station, but not by his permission.

"Trying To Blackmail Me."

Sergeant Plum was then asked concerning a statement by a woman in the vicinity of Richmond Market. He said it had been disposed of by Marshal Farnan, who had determined that there was no truth in the allegations.

"Captain Ward has been trying to blackmail me on that thing," the sergeant said. "He went around the district, when the thing was up before the Marshal, trying to get information from patrolmen and people on my balliwiek."

After the session Plum explained that in using the word "blackmail" he did not wish it to appear, as it did in some quarters, that Captain Ward was trying to extort money from him.

"I knew all about those affidavit people that they are bringing out against me, too."

Changing The Charge.

Continuing his cross-examination, Mr. Hayes asked:

"Do you know W. H. Fischer? Did you meet that man on a street car and tell him that you were going to get even with that big-headed —?" (meaning Captain Ward.)

"Never. I have not been on an Emory Grove car in a year."

Q.—Did you not ask Lieutenant Carter when you brought the men to the station after making the Cunningham raid to change the charge to disturbing the peace without consulting Captain Ward about the matter?

A.—I did ask Lieutenant Carter the night I brought the men to the station if he could not allow the men to be released on collateral, as all the men caught in the raid were locked up in two cells, the station being unusually crowded that night. It was Captain Ward who called me aside the next morning when the trial came up and asked that I change the charge. He was instrumental in that, not I. At the hearing I told the magistrate that I had a quarter of a peck of chips in the station which I had gathered at the raid. I explained all the evidence I got."

Mr. Hayes asked the Sergeant concerning a number of persons, who he said had made statements derogatory to the Sergeant's fidelity. The witness said in each case the statements were false. Plum was then excused.

Patrolman James D. Casey, who until last June had been an officer in the North-western district for 17 years, was next called, and said that he had been present at the interview of Sergeant Plum with Katz. He said:

"Sergeant Plum asked Katz if he would go before the grand jury or Police Board and testify that he was paying Captain Ward money for protection. At another time he said to me alone that he was paying \$25 a month. Every time any plain-clothes men would come around he would say that he was paying for protection and was not getting it."

Mr. Hayes called attention to the fact that Captain Ward brought Casey before the board and had him transferred from the Katz post.

Patrolman Webster testified that Katz had told him that he was not getting the protection he was paying for and that he was tired of it.

Patrolman Boarman's Work.

Patrolman Boarman, who was the next witness, related the following, under protest from counsel for Captain Ward, who argued that the testimony was irrelevant:

"We arrested John Ranft, who keeps a saloon in Vincent alley, on the charge of selling liquor on Sunday, and brought him to the station house. Mr. Ranft insisted that he did not want the case tried until he could get Captain Ward as a witness for him, because Captain Ward, he said, was a friend of his and knew what kind of a place he was running. The case was dismissed.

"Afterward Officer Coffey and myself procured a number of witnesses against the place, and we turned them in to Captain Ward. The next day Ranft and Bob Davis were at the station, and we never heard any more about the case. We were not summoned before the grand jury.

"Another time, when we arrested a negro in Mrs. Gilhooly's place in the 700 block of Vincent street and charged him with getting liquor on Sunday, he declared that he had not purchased the bottle of whisky at Gilhooly's, but at Ranft's. The magistrate immediately ordered a warrant sworn out for Ranft, and again Ranft insisted that Captain Ward appear in the case.

"When we went down to the grand jury to appear before it Captain Ward went into the room first and testified. When he came

out I started to go in, but one of the grand jurors, who was standing at the door, said: 'What is your name, is it Boarman?' and when I said it was he said that they did not want me and slammed the door in my face. I said to him, 'I guess you don't know.' The case was dismissed."

The patrolman also testified that Captain Ward had told him to stand in front of August Roth's saloon on West Lanvale street, and had said, "I am not getting any of that (rubbing his forefinger and thumb together to indicate money)," and Boarman says he replied "Neither am I."

Mr. Hayes, on cross-examination, brought out the statement that Boarman had been fined \$50 and deprived of 10 days' leave of absence by the board on charges preferred by Captain Ward.

"Captain Ward fooled the board because he misrepresented facts. That is why I was punished," said Boarman.

Patrolman Marcy Phillip, of the traffic squad, was next called. He said he was transferred after investigating charges against Ranft, which were dismissed.

Patrolman Scrivner, the next witness, said he was removed from a regular post following his raid on Sldonia Young's place, in Tyson alley, on June 9, 1908. He denied that he had accepted money from the woman.

The board adjourned until 10 o'clock this morning. There will be no night sessions, the board preferring to sit from 10 A. M. to 4.30 P. M., with a recess of half an hour. Colonel Swann said the board desired to waste no time because of the presence of so many patrolmen whose posts had to be provided for.