

KATZ DENIES IT ALL

Swears He Never Said He Paid Money To Captain Ward.

CONTRADICTS SERGEANT PLUM

Other Witnesses Testify That Police Go Through Howard Street Places Every Night.

Testimony In Brief.

Louis Katz denied that he ever told Sergeant Plum that he paid Captain Ward for protection.

Sergeants Busch and Wickes said they had been ordered by Captain Ward to "clean up" the district about Howard, Eutaw and Franklin streets.

Charles B. McDermott testified that he bought Katz's place, and that he never paid money to Captain Ward for Katz.

James A. Cunningham, whose place on Howard street was raided, said Sergeant Plum shielded a man who was in the place.

William H. Russell, colored, swore that he paid Sergeant Plum \$5 for protection.

Sergeants of the Northwestern district testified that Captain Ward ordered them to prosecute places violating the laws.

Louis Katz, who formerly kept a saloon at 1702 Lorman street, testified yesterday before the Police Board that he had not made monthly payments of money to Capt. Bernard J. Ward, of the Northwestern district, as charged by Sergeant Plum, and he declared with emphasis that he had never uttered any statements which could be construed to mean that he had paid graft to Ward. He was cross-examined thoroughly by Attorney Miles, for the prosecution, in the trial of Captain Ward on charges of neglect of duty, but Katz said he had never violated the liquor laws.

Sergeant Foster, of the Northwestern district, testified that "Katz's saloon was one of the most flagrant violators of the law in the district."

Round Sergeant Schwartz said when he was brought on the stand that he had never been told by Captain Ward regarding the alleged disorderly house run by Maggie Hunter, on North Carey street, until November 27, after the matter had been taken up by Sergeant Hurley.

Lieutenant Kalbfleisch stated that he had heard of the Katz affair long ago, having been told by Sergeant Plum that Katz was going to "holler" about giving money to Ward.

Eight witnesses will go on the stand for



LOUIS KATZ ON WITNESS STAND

the defense today, the most important of which will be Captain Ward. This will conclude the testimony of the defense. It is expected that the prosecution will summon other witnesses in rebuttal of some of the testimony brought out by the defense.

Louis Katz On The Stand.

Louis Katz, who was summoned by the defense, was put on the stand after the noon session. He denied having paid any money to Captain Ward and declared he had never told Sergeant Plum nor anyone else that he had paid money for protection.

Mr. Hayes—Certain officers, among them Sergeant Plum, testified that you told them you had paid money to Captain Ward for protection. Is that true?

A.—No. I never spoke to them on such a matter.

Q.—Have you been subject to raids?

A.—Yes. They were around my place both night and day and this has been the case since Captain Ward came to the Northwestern.

Q.—Did you receive a message from Sergeant Plum that he wanted to meet and talk with you?

A.—Yes. I was at Pimlico at the time in August last. I came to town and I heard he wanted to meet me at Orleans and Washington streets. He told me he wanted me to swear that I had paid Captain Ward money and I told him I would not swear to this, for I did not want to be dragged into the thing. He had a paper with something on it, but I did not pay much attention to it. I got on a Lanvale street car one day later on and met Patrolman Casey. At my transfer point I got off and he got off too, and on the corner stood Plum. When we met Casey walked away some distance and again Plum pulled out a typewritten letter and asked me about the money for Ward. I told him I would not swear to paying any money to Ward, because I never had. He then said he would take the matter to Frank Kelly and get back at that "big-headed —."

Mr. Hayes—To whom did he refer?

A.—To Captain Ward.

Q.—Who is Kelly?

A.—A politician on Saratoga street, in the Eighteenth ward, I believe.

"Winked His Eye At Me."

Q.—You told the Marshal the same things when he questioned you in his investigation?

A.—Yes. In the Marshal's office Sergeant Plum looked at me through the cage and winked his eye at me. Before I went in he asked me if I was going to "stick." I said that I was going to tell the truth. When I came out he said, "What did you lie for?" I said I did not lie, and he called me a "— liar."

Mr. Miles then asked the witness if he had told the board or the Marshal of this occurrence at the investigation and the witness said he had not.

Mr. Miles then cross-examined the witness.

Q.—You said you never paid money for protection because you never needed it. Didn't you sell on Sunday?

A.—I sold every Sunday up until last March. I went into business five or six years ago and always sold on Sunday. I had a hotel license.

Q.—Didn't you ever sell to others than bonafide guests?

A.—No. A man had to register and buy meals and then he could order drinks.

Q.—You say policemen were continually around your place. Who were they?

A.—Sergeants Clancy, Hurley and Plum and Patrolmen Webster, Ballard and Jones and plain-clothes men.

Q.—Do you recall having jumped off a car as saying to Patrolman Webster: "I'm — trying of paying for protection and not getting it?"

A.—No. But he came to my house one day and demanded \$5 and I told him he would never get it.

Q.—You never paid anyone any money?

A.—No. I paid hotel license and never violated the law.

Patrolman Stapf Testifies.

Patrolman John A. Stapf, of the Northwestern district, was also summoned by the defense. He stated that he had been stationed two weeks while on night duty in front of the door of Maria Colder, 818 McCulloh street, by Sergeant Plum, to attempt to get evidence against the woman.

When on the stand Wednesday the woman stated that she had paid her indictment to run a disorderly house while Stapf and Patrolman Mitchell alternated in watching her house. Mr. Stapf said the woman told him she had paid a fine after indictment. He said he had never told any person of this conversation.

Mr. Miles—Then don't you think it pe-

collar that Mr. Wolf should ask you such pointed questions about the alleged conversation you had with the woman?

A.—I don't know how he knew it.

Q.—Stapf, were you intoxicated when you came into the Northwestern Station with your squad on November —?

A.—No.

Q.—An. you sure you had not been drinking?

A.—I am.

Mr. Wolf—I don't see what bearing this has on the case, Mr. Miles.

Mr. Miles—I believe I have the right to ask the question.

Mr. Wolf—Well, he has not been brought before the board, has he?

The question was unanswered.

Sergeant Busch Tells Of Raid.

Just before the noon recess Sergeants Busch and Wickes, of the Northwestern district, were called, and both testified on inquiry from Mr. Wolf that they had received instructions from Captain Ward to "clean up" the district around Howard, Eutaw and Franklin streets.

Sergeant Busch told of the raid on Sionola Young's house. He said he was standing in front of the Maryland Theatre when Patrolman Scrivner approached him and said that a white man had entered the Young house, and the raid followed. Mr. Wolf asked Sergeant Busch what kind of a policeman Scrivner was, and the witness replied "very poor."

Mr. Miles objected, and said that such testimony would tend to widen the breach between the men in the district, and that it would be justifiable to ask the patrolmen what they thought of their superiors.

The board was consulted, and Colonel Swann said that such testimony made no impression whatever on the board.

Colonel Swann then took the witness and questioned him closely about the date of the raid and the trial by the grand jury.

Q.—Can you recall any other case which was called six days after the charge was laid?

A.—Not often does this occur.

Q.—Is there any gambling going on on Eutaw or Howard street at present?

A.—No.

Through Club Every Night.

Sergeant Wickes was then called. He told of having instructions from Captain Ward to raid the Academy Club and Malone and Wolf's place.

He also stated that a patrolman goes nightly through the Academy Club to see that there is no gambling.

Mr. Whittle then asked the witness several questions.

Q.—When did you commence to have a patrolman go through this club every night?

A.—A little more than a week ago.

Q.—Why such vigilance now?

A.—I don't know. The patrolman and myself have been watching the place for 18 months by going in and out several times a week, but now we go nightly.

McDermott Makes Denial.

Charles B. McDermott, who now conducts Katz's saloon, came next on the stand. He said he bought out Katz's business on March 4 last, paying him \$200 in cash and giving him notes for the balance. He denied emphatically ever taking money down to Captain Ward, as Sergeant Plum testified Katz had told him, and he further said that he only saw the Captain once, and that was when his saloon, was raided a short time ago.

Mr. Hayes—Have you ever paid Captain Ward money for Katz for police protection when you were his bartender before you bought him out?

A.—No.

Q.—Did officers ever come to your house?

A.—Yes, they raided me three times.

Q.—How do you pay Katz for the saloon?

A.—I pay him out of my monthly receipts.

Q.—Have you any of the notes that you have paid off?

A.—Yes, one in my pocket.

Mr. Miles—Let me see the note.

McDermott then produced the note, which was then examined by Mr. Miles and Mr. Hayes.

Mr. Miles—Who made out this note?

A.—Katz made it out and I signed it.

Q.—Have you ever seen Mr. Katz's writing? If so, are you sure this is his writing?

A.—No, I remember now the note was written by another man.

Says Plum Shielded Man.

James A. Cunningham, who lives at 311 East Lanvale street, testified that while he ran a gambling table on North Howard street he was raided by Sergeant Plum and two other officers of the Northwestern district. He stated that Sergeant Plum permitted one of the men who were, according to Cunningham, gambling to hide behind a curtain to avoid being taken to the police station with the others caught in the raid.

"When Plum came into the poker room," said Cunningham, "I told him there was a man present whom I did not want locked up, as he was well known. He called me to the outside hall and we talked it over. He said, 'Well, let the man hide behind a curtain when the others come out to the patrol wagon.' I told the man, and he hid behind the curtain, as I directed."

Mr. Wolf: Did you see him at the police station?

A.—No.

Q.—What were you charged with at the station the next morning?

A.—I don't remember—disorderly conduct, or something. I know the judge asked me what I had to say and I told him nothing. He then fined me \$10 and costs.

Mr. Wolf: Did Sergeant Plum come back to your cell about 4 o'clock in the morning and tell you he would change the charge?

A.—No, I can't recall that he did.

Mr. Wolf tried to get the witness to say that Plum went back at 4 o'clock and talked to him in his cell, but the witness could not remember any such move of the Sergeant.

Mr. Miles: How long did you keep the place on Howard street?

A.—Two months. I was raided on March 28, 1908.

Q.—Did any other policeman ever come to your place?

A.—Yes; two came one time to look at my "charter."

Q.—Then the first time Sergeant Plum came to the place was when he raided you?

A.—That's right.

Sergeant Plum testified Monday that the morning after he raided Cunningham's place and charged Cunningham with running a gambling table and a number of men with gambling on Sunday Captain

[Continued on Page 8.]

KATZ DENIES IT ALL

[Continued from Page 12.]

Ward came to him and asked him to change the charges against the men to disturbing the peace, which he did. He also testified that Cunningham told him when he raided the place that he "was a friend of Captain Ward and ought not to be raided."

Another Charge Changed.

Albert Scholle, 1711 McCulloh street, who was caught in the raid made by Sergeant Plum and the other patrolmen on the alleged gambling place conducted by Cunningham, stated when placed on the stand that he did not remember much about his arrest. He said he believed everybody caught in the raid was fined \$1 and costs, but he said he never paid his fine and that it must have been paid by Cunningham.

Mr. Wolf: What were you doing when Sergeant Plum raided the place?

A.—Playing peneuche.

Q.—For candy or grab-bags?

A.—Not for candy, but for fun.

Q.—Who testified against you?

A.—I don't know. I afterward heard it was Sergeant Plum.

Q.—Did Sergeant Plum change the charge against you men?

A.—I understand that he did; at least I was told so.

Q.—What did he say to you?

A.—I don't remember.

Mr. Wolf tried to bring out that Plum told Scholle he had changed the charge from gaming to disorderly conduct.

Mr. Miles: Do you know Sergeant Plum?

A.—I do.

Q.—How long?

A.—Some time.

Q.—Did you not ask Sergt. Theodore Foster yesterday where Sergeant Plum was and did he not point him out to you? Did you know him by sight before that?

A.—Oh, yes. I asked where Sergeant Plum was, but I knew him.

Mr. Miles wanted to show that Scholle did not know Plum until yesterday.

Experiences In Cunningham Raid.

W. A. Phelps, 1702 North Charles street, who said he was also in the Cunningham raid, was asked what he knew about the presence in the gambling place during the raid of a man named Frank Rhodes. He said that he remembered Rhodes being taken out of the place, but he could not recall what happened to Rhodes after the men caught in the raid reached the station. An effort was made apparently by the defense to show that Rhodes, after reaching the station house, was shielded by Sergeant Plum and released because of its being stated he was not implicated in any of the card games which it has been testified was going on when the police swooped down on the place.

Mr. Charles E. Norris, an auctioneer, 2119 St. Paul street, told of the Cunningham raid in which he was caught. Mr. Norris said he had been playing poker the night of the raid and was taken to the Northwestern Police Station and fined \$1 and costs on the charge of disorderly conduct. He related how the game was going on when Sergeant Plum and another officer rushed in and ordered them under arrest. He said that one man who had been playing at the table ran and hid, but he could not say where he had hidden. He also said that one Rhodes was in the room, but he did not see him at the station.

"Did you see anyone hiding behind the portieres?" asked Mr. Miles.

"No," said the witness. "If I had, I would have tried to hide too, for I did not care to be caught."

Mr. Frank E. Delcher, 216 West Franklin street, the next witness, testified that he was told there was a raid on the Cunningham place and he went to the house to see it.

"After the patrol had gone," he testified, "I and several friends entered the place and a man who heard us enter ran back and hid behind a big tub in one of the rooms. In a half hour Rhodes came back to the house and told us he had been let out of the police station."

Says He Paid Plum.

William H. Russell, colored, swore that he had paid \$5 to Sergeant Plum for protection of a game that he was running at 500 Druid Hill avenue. Russell was questioned by Mr. Miles closely and it developed that he had paid the money in January, 1909. At that time Sergeant Plum was not on that post. He was patrolling the Walbrook district.

Mr. Hayes—Did you meet Plum one night.

A.—Yes. He sent for me three times. The third time I met him in front of No. 7 Engine House and he accused me of running a gambling house. I admitted that several of the men who worked under me played a little game at my room about twice a month, and he told me if I wanted to run a game I should see him first. I gave him \$5 one night and asked him if it was enough and he said it was.

Q.—Are you sure it was not in 1908?

A.—I am sure it was about January, 1909; I know I moved from the house at 500 Druid Hill avenue last February, and it was the month before that in which I paid the money.

Mr. Miles then took the witness for cross-examination.

Q.—To whom did you first tell about the payment of this money?

A.—First I told the men I played with and then I told Captain Cadwallader. I forgot about it then until Captain Cadwallader took it up with me a few weeks ago.

Q.—At the time you talked to Captain Cadwallader it was after the charges were brought against Captain Ward?

A.—Yes. That's how the subject came up.

Sergeants Indorse Ward.

Sergt. Theodore Foster was called next and he stated that he had been under Captain Ward on several occasions and that he always found that Captain Ward wanted him to close up all saloons violating the law on Sunday. He was asked about

Katz's place, and he declared that Katz's saloon was the worst saloon that the police had to contend with in the Northwestern district.

"That man would sell on Sunday," he declared, "if the Almighty were to strike him when he opens his doors."

The defense then wanted to summon in the room a number of sergeants from the Northwestern district to testify in behalf of Captain Ward, it being desired to have Sergeant Abel speak for Captain Ward and have the others present sanction what he said about the Captain.

Mr. Miles objected to the defense calling on all the sergeants of the district to testify to the character of Captain Ward and tell whether they were instructed by the head of the district to break up Sunday violations, declaring it was an unusual procedure and that even if the sergeants knew anything derogatory they would be violating the rules of the Police Department in stating so when summoned by the defense to speak good or bad of Captain Ward. A long argument ensued and the board decided to hear the sergeants.

The sergeants summoned were Barwick Ostendorf, Moog, Heinz, Clancy and Oliphant. Mr. Hayes drew up a question which he propounded to Abel, in which it was asked what the sergeant thought of Captain Ward and whether he received instructions from his captain to break up violations in the district. The question was put to Abel and all of the sergeants answered that they had received such orders from Captain Ward.

Mr. Miles objected to all of the men being put on record as indorsing the statement made by Abel in regard to Captain Ward's instructions.

The board, after a lengthy consultation, decided that if the sergeants answered 'No' to the questions they would show that they had not properly performed their duty. The sergeants were then placed upon the stand one by one.

Sergeant Oliphant said that he had twice raided Katz's place and one time had the case brought before the magistrate, but it had been dismissed. He said he had worked the post on which the Hunter house was located from May 20 to July 8, and during that time he received no complaint and noticed nothing wrong.

Mr. Whittle inquired if he had ever been instructed by Captain Ward to especially watch the house, and he said he had not. Patrolman Dunn, he said, was the only one that mentioned it to him.

Sergeant Clancy said he had been stationed on the post near the Hunter house from July 8 to September 29 and got no evidence to make him believe it was not respectable. He said he had been instructed by Captain Ward to raid the Katz place.

Colonel Swann then requested that all witnesses that would not be needed further in the trial be dismissed. All were dismissed except Sergeant Hurley, Patrolman Cullison, Sergeant Plum, Patrolman Boardman, Patrolman Scrivner and Sergeant Pfennig.

Sergeant Ostendorf then went on the stand and testified that he had investigated Katz's saloon, but could get no evidence of any violations.

Sergeant Barwick testified substantially the same. He added that he had been instructed by Marshal Farnan to go through the Academy Club every night.

Hugh Reilly, who conducts a place at 410 West Franklin street, testified that before Captain Ward went to the district there were many complaints made to him about disorderly persons passing in front of his hotel, soliciting people. He said when Captain Ward took charge of the Northwestern district he cleaned up this disorder.

Ex-Captain Louis W. Cadwallader, who is now employed at the Maryland Theatre, the next witness, said Captain Ward had cleaned the neighborhood of objectionable persons who formerly frequented it.

Heard That "Katz Had Hollered."

Lieut. William Kalbfleisch, of the Northwestern district, was called on the stand late in the afternoon. "Sergeant Plum," he said, "told me some time ago about Katz telling him that he had given Ward money. He said this: 'There'll be a holler soon; in fact, Katz has already hollered to me.' I asked him what he meant, and he said that Katz told him that he had been paying Ward police protection."

Former Captain Edward Schleigh was also called on the stand to testify about a report circulated by the defense regarding Patrolman Phillips. Mr. Wolf attempted to bring out Wednesday, through a witness, that Phillips had been frequenting a disorderly house. Captain Schleigh remembered getting such a complaint, and he said when he had it investigated by Round Sergeant Swartz he found it was baseless.

During the course of the trial Mr. Miles took occasion to state that the defense was using reports of work done by members of the police department in the Northwestern district under Captain Ward. It was believed that the reports were official ones, but it was said that they were "personal" reports which Captain Ward had his men give him after inspecting certain places in the district to break up violations. Marshal Farnan said that all captains keep personal reports, while they send the official ones to headquarters.

Captains As Witnesses.

The captains of the different districts, including Captains Henry, League, Gittings, Poultney, McGee, Moxley and Santry, were called by the defense and asked whether they thought Captain Ward a good police captain. They were then asked to give their opinions of Captain Ward's action in the Hunter case.

Captain Henry said that every spring and fall he reads over the desk to his subordinates orders regarding getting names of questionable places, and that when a communication from Marshal Farnan about a questionable house is received he would have it investigated, and return a report promptly. Captain Gittings said he acted on such complaints in the same manner. The other captains said they take such action immediately. It will be remembered that Captain Ward received a complaint against the Hunter house in April and again in July, and he did not report the result of his investigations until November 28.