

He said he had drawn \$500 in May, 1920, for Mr. Gilbert and learned afterward it was given by Mr. Gilbert to Henry.

Mr. Behar had just repeated his testimony yesterday, that former Police Inspector Adam A. Cross was employed on the recommendation of Inspector Henry and from that time on the city police on duty in the streets outside the pier began stopping wholesale thefts of merchandise and assaults on employees.

"Mr. Gilbert told me," said Mr. Behar regarding the second payment of \$500, "that Inspector Henry had called him up on the telephone and told him \$500 was not enough. Mr. Gilbert said he thought the best way was to give Henry \$500 more and end the matter."

There was some confusion due to the insistence of the witness that Inspector Henry was not a policeman at the time of the payments; he at length explained that Inspector Henry was then under suspension.

IDENTIFIES BILLS FOR THE DOCKING OF SHIPS.

Lois Costa, General Manager of the Secula American Line, a tenant with the Italian Line of Piers No. 96 and 98, was then called. He identified bills rendered by the Italian Line for the docking of the San Giorgio and San Giovanni, charging for from 717 to 434 watchmen at \$6 per day while the ship was in port and from \$23 to \$59 just after the ships sailed. This was under Cross management.

"Did the Italian American Company increase its price per man substantially in May and June, 1920?" asked Mr. Brown.

"Yes," said Mr. Costa, "about \$1 per man and they increased the number of men."

Francis Gilbert was then called. Mr. Gilbert described the luncheon on one of the ships of the line early in January before Cross was appointed. There were present Inspector Henry, former Inspector Cross, Capt. Belton, the precinct commander; Capt. Walsh, commander of the Detective Branch Bureau, a detective who had investigated a silk robbery on the pier, and a number of steamship officials.

Mr. Gilbert said Inspector Henry suggested Cross at this luncheon. "You gave \$500 to Henry, didn't you?" asked Mr. Brown.

"Yes," replied the lawyer. "Q. Did you have any conversation with him about it? A. Yes. He came to my office just before he was brought up on his indictment for neglect of duty."

"Q. Did you send for him? A. I don't remember. He may have called me. But he asked to talk his case over with me."

"Q. You were not his lawyer? A. No. Bourke Cockran was his lawyer, assisted by Mr. Murphy, a former policeman."

"Q. What did he say? A. He told me he was hard up; he had spent a great deal of money and needed help. He felt he had been badly treated, having always been a good policeman. I felt very sorry for the man; he had been of service to me and to my clients and I wanted to help him. So I called up my clients and told them they ought to help. The amount was not mentioned. They sent me \$500, which I gave him."

Mr. Gilbert said he carefully took into consideration the fact that Henry was not at the time an active member of the police force, but was suspended.

As for the second payment, Mr. Gilbert said he got a message from Henry in the Tombs after his trial for perjury later.

The purport of the message was, Mr. Gilbert said, that "Mr. Henry was in jail and wanted somebody to come to see him or needed help. Something was said of his desire to retain Gov. Miller as counsel."

"I called the steamship company up and told them of the situation," said the witness. "I mentioned no amount."

"They sent me \$500 and I sent it to Mr. Henry in the Tombs by Mr. Cohen of our office, an honest man, and so I believe Mr. Henry got it."

Mr. Gilbert repudiated Mr. Behar's testimony as to the working of their conversations.

"Inspector Henry told me," said Mr. Gilbert, "that he had been an honest policeman and he was in this predicament, and while he did not say directly—"

Mr. Brown—He confessed to you that he was an honest man? A. Well, if you enjoy the insinuation—I am here for business.

Senator Downing—It is not nice to deal humorously with the disruption of a reputation. The witness: I felt sincerely very sorry for the man. I had known police officials and I had known the work they had done, and Inspector Henry was known to me as a very capable, honest man. He had never asked for anything and never indicated that he wanted anything, and when he came to me in difficulty, having been of assistance to me and to my client, I did what I thought you might have done if you had been in my place. I called up my client and I told him of the situation. I did not tell him any particular sum. I left it to them and I did not know how much they were going to contribute until they got the money. I then gave it to Inspector Henry. There was no indication at that time, no intention of giving any more, or any promise of any more, or any expectations of any more at that time.

As to the second plea for money by Henry, Mr. Gilbert said:

"I think Murphy, one of his attorneys, called to see me that day and it was Murphy I think that told me that they wanted to retain Governor Miller as counsel and that he was

taking the matter under advisement and that it cost him a great deal of money, and I told Behar of the man's plight and I said to him if you can do anything more for him I think it ought to be done. I recommended nothing, gave no amount, nor did Henry ask any amount."

Senator Downing: You could just as well have given it to him by check, couldn't you, only for the inconvenience on account of his condition? A. Certainly, the company made a record of it.

Q. You don't mean to say that the company made a record that it was for Henry? A. I don't know what the company had done, until I heard it as a result of this investigation. I assumed that they had made a record of what they had done with the money.

Assemblyman Bloch: It is in evidence what the company did.

Mr. Brown: It is "gratuity as per advice of Mr. Gilbert, \$500." A. This was their way of keeping books. I assumed that they had made an entry of it, and they have made an entry of it.

Q. And, in the other case, "gratuity to Mr. Gilbert, \$500." A. That's right.

Q. Charged to "Pie account" in both cases? A. I don't know anything more accurate.

Q. Now, you feel very friendly toward Mr. Henry? A. I feel very friendly toward the man, because I think he is a good policeman.

Q. You gave Henry nothing yourself personally? A. Absolutely not.

Q. Nothing out of your own purse? A. Absolutely not.

BEHAR ASKS THAT HIS TESTIMONY BE CORRECTED.

Julius V. Behar, assistant New York manager of the Italian Steamship Line, at the outset of the hearing somewhat angrily demanded his testimony of yesterday be corrected. He had been made to say yesterday, he declared, that under the management of Anthony Vachris, the management of the guarding of the line's piers cost only \$1,200 a week, whereas under former Inspector Adam A. Cross the same service had cost \$2,500 a week.

Mr. Behar said he merely acknowledged yesterday having made this mistaken statement and had no opportunity to present the real figures, which, he said, showed Cross's service had cost no more than Vachris's service.

The books of the Italian Line showed, former Senator Eion R. Brown asserted, that payments to Vachris were \$1,419 in 1918, \$3,394 in 1919, and to Cross \$2,500 in 1920 and \$2,500 in 1921. The average weekly payments to Vachris were \$200 in 1918 and to Cross \$420 a week in 1920 and \$1,000 a week in 1921.

Mr. Behar said these amounts were useless for comparison because the bills varied with the number of ships which came to port and the number of watchmen employed.

Vachris is now employed by the Italian Line, the assistant manager, said to hunt down "escaped aliens" not entitled to enter the United States. "When any alien arrives," said Vachris or to Cross except those shown on this statement submitted here," asked Mr. Brown.

"No," said Mr. Behar.

Q. You say "No," you mean "Yes"? A. I mean what I say, "No."

Q. You draw the check for the payroll? A. Yes. We do not make the check for exactly enough to meet the payroll, sometimes more.

Q. You paid off the men working under Cross? A. A clerk does.

Q. The men under Cross are special policemen, are they not? A. Yes, they are.

Q. You have authority to make two payments to Gilbert of \$500 each for that purpose? A. No.

Mr. Brown showed that Mr. Behar at his first committee hearing said he had had the knowledge of such an understanding. Mr. Behar said he had learned of the understanding from Mr. Gilbert.

Mr. Brown offered in evidence the cash slip of the second \$500 gratuity payment.

Senator Downing—Would you ask him by whose authority he made the statement that that money was intended for Inspector Henry?

Mr. Brown: I will, if there was any question about it.

Q. From whom did you learn that the \$500 was paid to Inspector Henry? A. From my attorney, Mr. Gilbert.

Q. And you got the same information in relation to both payments? A. That is right.

Q. You didn't get any receipt for this money? A. No.

Q. Just handed the two \$500 items in cash over to your attorney? A. That is all.

Q. Did Gilbert ask you to pay it in cash? A. Gilbert asked us to send \$500 at that time. That is all we did.

Q. What? A. Gilbert asked us to send \$500, whether in cash or check I don't know now. I don't remember.

Q. But you didn't send it by check? A. No, we didn't send it by check.

Q. You gave it by cash? A. We did.

Q. Did Capt. Rosigni tell you to whom he was going to have that money? A. No.

Q. Did he tell you anything about the person who it was to go to? A. No.

Q. You testified before the subcommittee as follows: "Capt. Rosigni told me that he was going to give the money to some one in the Police Department. He was connected formerly with the Police Department. He was going to give that to Inspector Henry, who was under suspension. Each of these two \$500 payments, one in May and one in June, he was going to give to Inspector Henry."

Mr. Behar explained he had testified to the subcommittee about matters of which he learned from Mr. Gilbert.

Q. Now, it is customary to give gratuities to the police on the duck when a ship arrives also. A. It is.

Q. \$5 to each one? A. \$5, or anything you want.

Q. Well it isn't what I want. It is

'SALESMEN' BIND WOMAN IN HOME; TAKE \$10,000 GEMS

Two Well Dressed Young Men Pretend They Are Sent by Her Husband.

Two well dressed young men bang the bell of the apartment of Charles A. Levy at No. 379 Manhattan Avenue, at 1 o'clock yesterday afternoon, and told Mrs. Levy, who opened the door, that they had been sent by her husband, who is head of the Broadway Theatre Company at No. 218 West 42d Street, to show her some dress goods. One of them carried a box about the size of an ordinary suit case.

Mrs. Levy was suspicious and tried to close the door, at which they seized her, rushed her into a bedroom and bound and gagged her. Then they entered the bureau and threatened to kill and compelled her to disclose her valuables. They got about \$10,000 worth of jewelry and left.

Mrs. Levy said one of the bandits grasped her by the throat while his companion ripped a sheet from the bed and tore it into strips. They put one of the strips about her throat, pinning her shoulders down to the bed.

Fearing the desperadoes would carry out their threats to kill, Mrs. Levy directed them to a bureau drawer. One of the men walked to the window, which overlooks 115th Street, and pulled down the shade. They then bound Mrs. Levy's wrists and ankles and gagged her with a strip of the sheet.

The men ransacked the bureau and left with their loot. Mrs. Levy rolled over and over on the floor and finally freed her wrists by rubbing the linen bindings against the sharp edge of one of the legs of the bed.

As soon as she was free she rang up her husband, who immediately notified the police and Detective Kerr of the West 123d Street Station went to the house.

Mrs. Levy told the police the bandits took a diamond and platinum ring valued at \$5,000, a diamond and platinum bracelet worth \$500, several bar pins set with emeralds and diamonds and \$15 in cash. The police say the jewelry was insured.

The box the robbers left behind proved to be empty.

what you do. A. As far as we are concerned, it is customary to give \$5.

Q. A gratuity of \$5. A. Yes.

Q. Every time a ship arrives? A. Yes.

Q. How many of those policemen? A. One, I think.

Q. Where is he stationed? A. At the pier, at the door, the gate of the pier.

Q. That is, he stands outside of the bulkhead line on city property? A. Yes, to handle the crowd there.

Q. How is he assigned to you? A. I don't know.

Q. You know he is there, that is all you know about it? A. That is all.

Q. He is there to keep order? A. That is right, at least I think so.

Q. Assemblyman Bloch—He never asked you for any gratuity?

The witness—He never did.

Senator Downing—You never heard of a policeman getting \$5 at a wedding?

Mr. Brown: Of course, I would myself; there is nothing to that. I will put in these slips for gratuity, paid to me on occasions more than \$5. It runs up on occasions as high as \$5 for 10 policemen.

Q. Did you know that Inspector Cross talked with Gilbert on January 29? A. I think he did.

Q. You and Gilbert talked over the wire in relation to it? A. I called up Mr. Gilbert and told him just what the situation was.

Q. I want you to translate the telegrams on pages 218 and 219 of this book. Cross talked with Gilbert on January 29, 1920. (Witness reads telegram.)

Mr. Lodi: Now on page 219.

The witness: "New York, Feb. 6th, 1920. (Witness reads telegram.)"

Senator Downing: Who is that Maria?

The witness: That is his wife's name.

Senator Downing: Maria, Mary to English.

The witness: Mary.

Mr. Lodi: Cross was off the pier, he got back the next day?

Assemblyman Bloch: That is what his wife told the fellow in Italy.

Senator Downing: There is some deep hidden mystery behind that telegram.

Mr. Lodi: It will be clear before you get your lunch.

Q. When Rosigni came back he told you he had taken the matter of the police with your people abroad? A. He spoke in a general way.

A. Furry was made in the committee, when Walter J. O'Neill of the Comptroller's office appeared with papers subpoenaed by the committee. He said the committee might look them over, but he would not let them out of his possession.

Mr. O'Neill stated that papers subpoenaed by this and other committees had been lost or kept unduly long and "the Comptroller was tired of it."

Chairman Meyer and Mr. Brown presented the charge that the papers had been lost, or that any for which the Comptroller had asked had not been returned promptly.

A threat was made to impound the papers. It was understood that Comptroller Craig was ready to start a legal battle with the committee. The matter was deferred until later.

The afternoon session was interrupted by Mr. O'Neill on the stand. He was asked to exhibit the papers "loaned" by the Comptroller. Mr. Brown took them to his desk "to look at them."

Mr. Brown then moved to impound the papers.

Senator Downing objected that even the subpoena of the Supreme Court could only get copies of the disputed papers. He offered a resolution that the committee take the papers from day to day only for examination.

Mr. Brown said he would accept the promise of Mr. O'Neill to let the examiners examine the papers freely in the Comptroller's office, and ordered them taken back there.

That New York City has everything that appeals to the heart of the amusement world and to the artistic, but that very little has been done to boost the great industries which have contributed so much toward New York's greatness. He believed the Federal, State and city governments should co-operate to stimulate employment.

"We who are prosperous as a nation and blessed with all means and resources are not proud to see our fellow men going to soup houses for their daily sustenance," said Mr. Simon. "The public seems to have stopped buying for no reason at all."

DEATH IN INSANE ASYLUM HIDDEN 3 YEARS FROM WIFE; SHE KEEPS ON PAYING FOR HIM

Jersey Institution Blames Entry of "Reis's" Name as "Rice"—Somerville Woman Even Continued His Life Insurance Payments.

Mrs. William Reis of Somerville, N. J., has just been informed that her husband died in the State Insane Asylum at Trenton, N. J., three years ago, during which time she thought he was alive, paid all necessary expenses for him, continued his life insurance payments and looked forward to his cure and release.

The case, according to the officials of the institution, is due to clerical errors in misspelling the man's name. Reis was committed to the asylum July 14, 1915, by a Somerville court. He was looked as "William Rice."

He escaped in the latter part of 1916 and was recommitted to the institution.

Meantime Mrs. Reis was compelled to work to support herself and her three small children. She paid the insurance premiums on the life of her husband and for a time visited him. Her outside work and the care of the family prevented her after a time from visiting him.

Recently she inquired for her husband. She was told, she says, that the institution had never had a man by that name as a patient. Investigation revealed that her husband had never been listed as Reis, but that the entries had all named him "Rice."

He died, according to the records of the institution, in 1918.

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The men ransacked the bureau and left with their loot. Mrs. Levy rolled over and over on the floor and finally freed her wrists by rubbing the linen bindings against the sharp edge of one of the legs of the bed.

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CHARGES CLUBBING BY POLICEMAN IN HOTEL COMMODORE

Engineer Says He Was Beaten Trying to Arrest Impostor, Then Locked Up.

Joseph H. Tucker, who lives at the Hotel Buckingham and has an office at No. 35 Wall Street, said in the Yorkville Court today that he intends to make a complaint about a clubbing he says he received from one of three policemen early to-day in the lobby of the Hotel Commodore.

Tucker is an engineer and he served overseas as an army Captain. He was arraigned in the Yorkville Court on a charge of disorderly conduct, and the case was dismissed after he had told this story:

"I was walking past the Commodore at 2 o'clock this morning when I was approached by a man who said he was an ex-soldier out of luck. He asked me for help. He did not look like an ex-soldier and his answers to three or four questions showed beyond a doubt that he was nothing of the kind. I seized him as an impostor and called for a policeman."

"One came from the Lexington Avenue corner and I asked him to arrest the man. The policeman told me to arrest him myself if I wanted him arrested. Meanwhile the impostor broke away and ran into the hotel. I started after him. So did the policeman. Two other policemen joined. At the top of the stairs Tucker put up a fight and the men struck me on the head. I think it was with a club."

"They took me and the impostor to the East 67th Street Station, where I learned, to my amazement, that instead of being a complainant, I was a prisoner. They kept me there all night."

The police version brought out in the Yorkville Court was different. Patrolman Harmon said he was the first to answer Tucker's call for the police. The others who joined him a moment later were Patrolmen Conroy and Blythe. The complaint against Tucker was made by Harmon.

"When I told him he would have to make the arrest because the complaint was his," said Harmon, "he became abusive and said I was 'a hood of a cop.' Later on the way to the station Tucker broke away and ran back to the Hotel Commodore. He put up a fight at the top of the stairs leading to the lobby. We simply subdued him and took him to the station."

The hotel "ex-soldier," who was the cause of the trouble was arraigned as John Sloan, laborer, no address. He was sentenced to the workhouse for two months by Magistrate Rytenberg.

SUICIDE NOTE IS FOUND ON DECK OF FERRY BOAT.

Indication of a possible suicide is seen by the Jersey City police in the writing on a card found yesterday afternoon on the upper deck of the Pennsylvania ferry boat Washington, commanded by Capt. John Conroy. The card read:

"I am resting upon the bottom of the river. God help me. Please send word to my mother at 514 Summit Avenue. God will look after me. I am yours, R. A. WAGNER."

Mrs. Anna Wagner of the Summit Avenue address had previously reported to the police the disappearance of her son, Robert Wagner, twenty-eight, an automobile salesman who has been out of work and depressed.

Mother of Four Children Convicted of Operating Two Stills.

Mrs. Mary Attele, mother of four small children, who charged with operating two liquor stills today, told the Judge that she had no money and so traded liquor she made with the neighbors for food and clothing. A jail sentence of 30 days was suspended, and the woman might be given assistance.

Dozing Suspect for Alleged Bank Heist.

Assistant District Attorney John T. Dooley was today named defendant in a suit for \$2,270.48 damages by George V. Cooper, an electrical contractor, who alleges that Dooley, while dozing at No. 58-70 West 34th Street, engaged him to do certain work for which Cooper says he was not compensated.

LOWELL SHERMAN TELLS OF PARTY THAT RESULTED IN GIRL'S DEATH

(Continued From First Page.)

girl had got a little bun on and was not one of the persons present expressed any other opinion in my hearing.

"Arbuckle did not at that time or any other time express to me an opinion as to what was the matter with the girl. He never told me what occurred between himself and the girl after they entered his bedroom and closed the door. He never told me at any time that he had intercourse with the girl and never asked him whether he did. I had no opinion as to what had occurred between Arbuckle and Miss Rappe, because I knew he had known the girl for four or five years, as he had told us, and I did not know but what he went in the room to talk to her privately."

"I did not suspect anything wrong. I did not see Arbuckle put his arm around the girl before she went into the bedroom or put his hands upon her. I saw her sitting on the sofa next to the sofa upon which she sat. He was sitting with a drink in his hand, laughing and talking, and did not have his hands upon the girl in any way."

"I sat down next to her myself and talked to her, and it was the first time I had seen her. Mrs. Delmont did not see her at that time or any other time. I never expressed my presence or opinion as to what had occurred in the room. She never expressed an opinion in my presence or hearing as to what was the matter with the girl."

"She went around to that room with us when they took the young girl and told them to take care of her. I said, 'I guess the little girl will be all right.' The doctor was there, and I paid no more attention to her. Mrs. Delmont did not seem to be at all upset at that time about anything that had happened to Miss Rappe."

"I went back to Los Angeles with Arbuckle and stayed at the Harvard the next afternoon. We had engaged our passage the day we got to San Francisco (Saturday morning) for four days and the car. We took the car with us on board the boat. I never saw Miss Rappe after that and never inquired about her because I did not take any of it seriously."

"I do not remember whether Mr. Arbuckle communicated with her. If he did he did not do so in my presence. The next morning Mr. Semmacher came up to the room, and I seem to remember somebody saying 'I wonder how the Rappe girl is.' 'Something like that, but I didn't pay any attention to it.'

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