

BUCKNER LAYS HIS PLANS FOR TRIAL

Gets Testimony Pointing to Lines of Further Police Inquiry.

'PERMITTED' TO RESIGN

Serious Charges Against Policemen Not Pushed, Witnesses Testify.

LEUT. KEOGH IS CALLED

Hints Applicants Were Supposed to Pay Force's Investigation Bureau.

The Curran Aldermanic committee which is investigating the Police Department resumed its sessions yesterday morning after an interval of ten days.

Emory R. Buckner, counsel for the committee, took up further questioning of witnesses with regard to administration problems in the department, laying aside for the present any inquiry into the gambling situation or other lines of investigation which would bring up the subject of graft and thus give any suspicion of interference with the trial of Lieut. Becker.

The two matters which chiefly interested the counsel for the committee yesterday were that of resignations from the department under charges and that of resignations after dismissal.

It was brought out that a convicted burglar who had served a year in prison was appointed a policeman under Commissioner Bingham and was permitted to resign by Commissioner Waldo after charges had been drawn up against him in connection with a clubbing case.

Police Lieutenant Stanton, head of the investigation bureau abolished by Commissioner Waldo, who has been one of the important witnesses for the committee and was suspended by the Police Commissioner on Friday charged with attempted extortion, was hit indirectly yesterday by the hands of Civil Service Commissioner Keogh. The latter testified that when he took office "the theory" was that the candidates for appointment as patrolmen always had to pay the police investigation bureau.

That was the reason, the Civil Service Commissioner said, why he had paid little attention to the bureau's reports.

The question of waiving immunity touched up again yesterday. Inspector Dennis Sweeney declining to sign a waiver, then saying he was willing to do so and finally refusing again for good.

His example of refusal was followed by Capt. Thomas W. Walsh, and although the question was not asked of Inspector Cornelius Cahalane in the open session it was stated that Cahalane had not signed the waiver.

Commissioner Keogh had produced under subpoena certain letters, of which one was written by Commissioner Waldo to President Coolidge of the Civil Service Commission on July 1 of the present year.

In that letter Commissioner Waldo recommended that the forthcoming examinations for promotions to the rank of sergeant be open to all patrolmen above one year's service, "in view of the large number of excellent men who have recently come into the department."

allowance being made for seniority, and that lines imposed prior to June 1, 1911, should not be considered in making up the record.

As to the first of these recommendations, Mr. Keogh said it was impossible, since the law required that only first grade patrolmen may be promoted to the rank of sergeant and that to become a first grade patrolman a man must be on the force five years.

With regard to the second recommendation, that of wiping out all lines imposed prior to June 1, 1911—Commissioner Waldo took office on May 23 of that year—Assistant Chief Examiner Murray of the commission reported that if it were adopted "all record of efficiency for service prior to June 1, 1911, would be eliminated," and that it was "doubtful whether such action would be in accordance with the spirit, at least, of the State law."

Furthermore, Mr. Murray did not think the suggestion conducive to the best interests of the service, since under it a patrolman whose conduct had not been satisfactory prior to June 1, 1911, would enter an examination on even terms with a patrolman whose conduct had always been satisfactory.

Point, and two other men were indicted at the same time.

Berg had been discharged from bail on the recommendation of Assistant District Attorney Jacoby, who doubted that there was sufficient corroboration. The indictment was left standing.

Mr. Buckner then put Inspector Dennis Sweeney on the stand to show "what became of Berg after he got on the force."

A report made by the inspector showed that Berg, who was attached to the Forty-third precinct, had stated that he was assaulted by seven men while stationed on fixed post at 123d street and Second avenue at 3 A. M. November 13. Sweeney had been unable to find corroboration of the policeman's statement, but reported that at about 2 o'clock on that same morning Berg accosted a woman named Josephine Stevens, had her go to a saloon and get a glass of rock and rye for him, then rapped on the window of the saloon and got two drinks, one for the woman and one for himself, and finally followed the woman into the saloon, threatening to kill her and to "break her windows," meaning her eye glasses.

Gas Husrup, a waiter who interfered, received a blow in the face from the policeman, the inspector reported, and finally the woman appealed to the waiter for protection to her home. Charges were made against Berg on November 21. Inspector Sweeney indorsed on the charges:

"I have personally investigated this case and believe that the charges can be sustained. I recommend this case for trial."

Signs Resignation Blank.

Capt. Thomas W. Walsh, who was in command of the precinct at the time, continued the story. He said that when he served the charges on Berg the latter refused to sign the acceptance of service on the back of the papers, and thereupon signed a resignation blank which he obtained at the station house.

"Have you got orders whenever a man refuses to sign charges to let him resign?" asked Mr. Buckner.

"I have not," the witness replied.

Capt. Walsh said it was a rule of the department to give a man a resignation blank whenever he asked for it. He said that he realized that when the blank signed before the Commissioner with the charges attached Berg would not be permitted to resign.

Mr. Buckner then traced the charges and the resignation to Deputy Commissioner McKay, who followed Capt. Walsh as a witness, and read from the papers in the case Commissioner McKay's recommendation that the resignation be accepted "for the good of the service."

Mr. McKay thought that this expression "for the good of the service" covered the case fully. He said that there had been no trial, Inspector Sweeney recommended, and added his opinion that the department had no jurisdiction to try Berg on the charges because he had resigned, even before the resignation was accepted.

Mr. Buckner intimated that letting a man "get out quietly" in this way was a method of whitewashing and that its result was "not to scandalize the department." Mr. McKay would not admit this.

"For the good of the service," he admitted, might refer to anything from a minor infraction of rules to a serious charge.

The lawyer for the committee pointed out that this phrase was the only warning to future Commissioners not to let the man get into the department again. Commissioner Waldo accepted the resignation on the Deputy Commissioner's recommendation.

Saw Policeman Club Prisoner.

The case of Harry J. Johnson, the policeman who was a convicted burglar, was taken up next. Johnson, who was attached to the Fifteenth precinct, had arrested Robert Brossel. When Brossel's case came up in the night court five letter carriers told Magistrate Breen that they had seen Johnson hugging and kissing a girl in a doorway at Fourth avenue and Thirteenth street and that the girl afterward had spoken to Brossel. While they were talking, the carriers said, Johnson came up and clubbed Brossel off and on all the way to the station house.

Magistrate Breen wrote to Commissioner Waldo regarding the case and Inspector Cahalane was assigned to investigate. The inspector brought charges against Johnson and recommended that he be tried.

An anonymous letter was received signed "A Brooklyn Policeman," informing the Police Commissioner that Johnson had been sentenced to a year in the Kings county penitentiary for robbing a Brooklyn store some ten years before. Cahalane verified this information. On September 30, 1911, Johnson admitted to Cahalane that he had done time for burglary and his resignation was accepted by the Commission to take effect October 2.

Johnson was a member of one of the headquarters "raiding squads" from June 5 to June 25, 1911. His resignation was permitted just two days before the date set for his trial.

Inspector Cahalane said that he could not see anything to be gained by trying the man as long as he was willing to resign and that he was particularly influenced by the fact that he had got a wife and begged that his wife should not know that he was an ex-convict. For this reason, Inspector Cahalane said, he tried to report the man as a resigner.

"For God's sake, inspector," Cahalane quoted Johnson as saying, "don't disgrace my wife and she does not know anything about my past record. You won't accomplish anything by publishing this to the world. It is known, cannot stay here in New York. Nobody will give me employment. I have bluffed it through for the last ten years and nobody has been on to me and I have lived a decent life. That's what a policeman in Brooklyn wrote that anonymous letter. It is a fellow who is sore on me."

Inspector Cahalane admitted that Johnson had signed the resignation, but he refused to get on the force. Johnson, it appeared, was another policeman who had refused to sign the acceptance of service charges. He had indicated that Berg had accepted by Commissioner Waldo on the recommendation of Deputy McKay "for the good of the service."

Mr. McKay recalled, was positive now that a man who had landed in his resignation was not amenable to charges whether the Commissioner accepted the resignation or not. He said that Fourth Deputy Commissioner Dillon had just assured him that this was the law.

Lieut. Stanton Recalled.

Lieut. John F. Stanton, head of the abolished investigation bureau, was recalled with regard to his report on the investigation of Johnson before he was appointed to the department. Johnson had been arrested for felonious assault, in connection with a shooting scrape in a poolroom, and had pleaded self-defense. The reputation assigned to the poolroom by the report was that of a hangout for gamblers.

The committee, however, made no mention of the Brooklyn conviction for burglary. Lieut. Stanton would not try to say from memory when he had found out about this charge, but promised to look up private memoranda which he had at home. He insisted that the record as obtained by the committee was incomplete. He said that more papers which ought to have been in the same file envelope.

William A. Moore, one of Mr. Buckner's assistants, was then put on the stand to produce the papers in the Johnson case they were in the possession of the Police Commissioner. Later, when he sought them again, he found them at the Civil Service Commissioner's office, this with some

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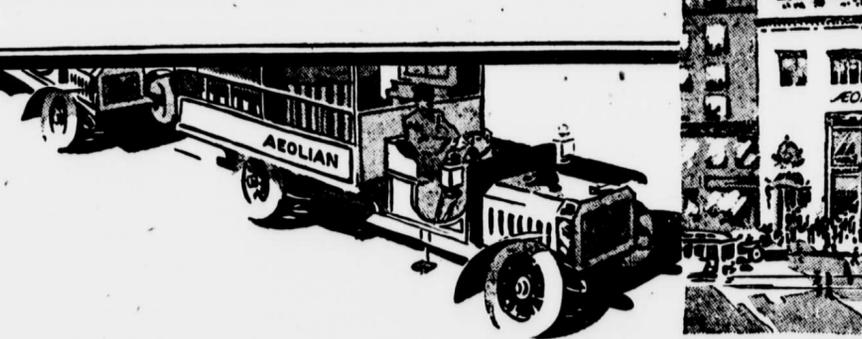
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difficulty as the employees of the commission were sure they weren't there. Johnson began to get nervous. He had been sent down "by mistake" with other records, since Johnson already had been out of the department for a year, and the records could not be of any use to the commission.

Bert Hanson, First Deputy Commissioner under Gen. Bingham, who was called next, testified that he had had charge of the investigation of applicants for the department under Gen. Bingham's administration and had instituted Lieut. Stanton's bureau for the purpose. He said that Gen. Bingham had accepted recommendations in these matters. No report of the prison record of Johnson, Mr. Hanson was sure, had been made to him. He had O. K.'d Johnson's name on the other evidence before him. A subpoena had been issued for Gen. Bingham in this same connection but he was out of town yesterday.

Long Fight to Get Back.

At the close of yesterday's session Mr. Buckner began to subject his reinstatement, with Thomas F. Campbell, a police patrolman, on the stand. Campbell was appointed to the department on May 29, 1909, and was dismissed on September 12, 1902, by Commissioner Partridge after a police trial on charges of shaking dice in the back room of a saloon with other policemen whom he could have been on post. He applied to the courts for reinstatement. His application was denied by the Appellate Division and the action of the lower court was affirmed by the Court of Appeals in 1904.

In 1905 Campbell got a special act passed by the Legislature providing for a rehearing, but the act was vetoed by Mayor McClellan as special legislation. In 1907 a general law was put through the Legislature providing that the Police Commissioner at his discretion may give a rehearing to a man who has been dismissed from the department, on application to the Mayor and with the consent of the Mayor, but Commissioner Bingham declined to do so. Campbell applied to Mayor McClellan for a rehearing under this law and got the consent of the Mayor, but Commissioner Bingham declined to do so. Campbell applied to Mayor McClellan for a rehearing under this law and got the consent of the Mayor, but Commissioner Bingham declined to do so.

He did not write Commissioner Cropper because, he said, the latter's first deputy already was familiar with the case.

Soon after Commissioner Waldo took office Campbell tried again and was referred to Deputy Commissioner Dillon. The latter looked over the papers in the case and Campbell was reinstated on August 28, 1911. He did not know whether or not his reinstatement was a rehearing beside himself or not and didn't know whether Capt. Miles O'Reilly, who had been the chief witness against him when he was dismissed, was called or not.

Mr. Buckner sought to get on the witness names of persons who had interested themselves in his efforts to get back on the force. The only name brought out was that of Assemblyman Alfred E. Smith, whom Campbell said, he had known "since he was a boy" and with whom he said he had talked over the matter of the special bill.

Chief Inspector Schmittberger and Inspector John Daly were among the officers of the Police Department who occupied seats with the witnesses at one side of the room. Neither was called yesterday. The inquiry was adjourned to 2 P. M. Wednesday.

BIG JACK ZELIG KILLED IN A CROWDED CAR

Continued from Second Page.

in Manhattan charged with grand larceny and discharged by Magistrate Butts.

George Williams, arrested July 23, 1910, at Allentown, Pa., as a suspicious person, was arrested and later discharged by the Mayor of Allentown.

William Albert, arrested March 4, 1912, in Manhattan charged with felonious assault and discharged by Magistrate Murphy.

William Albert, arrested May 12, 1912, in Manhattan charged with carrying concealed weapons (second offense) and suspicion of robbery. Released on \$2,000 bail.

John Dor, arrested as a suspicious person, also charged with fighting in police station after arrest.

These are but a few of the times he has been brought to police stations by the police, sometimes on suspicion of having committed a crime, sometimes as witness. One time he tried to pick Magistrate Cornell's pocket, but was grabbed before he could do so.

He got a bullet in his neck that time. For a time it was thought that he was done for. But he recovered and the next time he was heard from was after the shooting of Herman Rosenthal in front of the Metropole.

Jack Rose, the first prisoner to confess

in the case against Lieut. Becker, indicted for the murder of Rosenthal, said that Becker sent him to see Big Jack Zelig to see what gun he could be procured to kill Rosenthal. Rose said that it was Zelig who suggested Lefty Louis, Gyp the Blood, Dago Frank and Whitey Lewis for the actual slaying of the informing gambler.

Zelig disappeared from town at about this time, and was reported in various parts of the country. He was found in Providence five weeks after the murder, and was brought back to New York.

After a conference with District Attorney Whitman he went before the Grand Jury, and said that it was true that Rose had asked him for gunmen to work for Becker, but that he didn't know they were to commit murder. He further said, in his own behalf, that his arrest by the police on the charge of carrying concealed weapons was a "frameup," in which the active workers were two members of Lieut. Becker's strong arm squad. These detectives, White and Steiner, were suspended from the force because of that charge.

The case against him has been pending, and was set for trial this fall. No definite date was set, and it was thought that Zelig's lawyer, former Magistrate Wahle, was dickering with Mr. Whitman for terms.

ZELIG NOT MURDER WITNESS

His Attorney Says Dead Man Had Satisfied Whitman.

Former Magistrate Charles F. G. Wahle at his home in Westchester was told last night by Fug Stutz that Zelig, one of his clients, had been murdered. Mr. Wahle made this statement:

"Without having had an opportunity to talk to the District Attorney and the police I cannot express an opinion as to whether or not the murder was an outgrowth of the prosecutions in the Rosenthal case. Zelig, however, was not connected with the murder of Herman Rosenthal in any way. He was not under subpoena to testify in the trial of Lieut. Becker.

"He was to be used as the main witness against Policemen White and Steiner of Becker's old staff, the two indicted for oppression and perjury. Zelig was ready to testify that these men put a pistol in his pocket and at once arrested him on the charge of carrying a concealed weapon.

"Zelig always denied to me that he supplied the gunmen that shot Rosenthal. He denounced as a lie the story told by Jack Rose that Rose, at Becker's suggestion and order, went to Zelig and arranged with Zelig

gangmen for the murder job. It is true that Rosenberg and Muller are friends of his and members of his club. Croford and Horowitz were not Zelig men, however.

"Zelig did not run away from New York after the killing of Rosenthal. He went to Boston after a time, but the District Attorney and I knew where he was. Mr. Whitman knew that he could get Zelig any time he wanted him. I understood that Zelig satisfied the District Attorney that he had no connection with the Rosenthal murder."

At midnight Mr. Wahle was trying to get into communication with District Attorney Whitman.

ADMITTS HE'S RED PHIL.

Dougherty Says Prisoner Admits Losing Only \$25.

Commissioner Dougherty announced early this morning that Davidson had admitted that he has been known as Red Phil, but had denied ever having been in Boston. The Commissioner said that Davidson had brought the amount of the money which he said Zelig had taken from him down to \$25 after he had been confronted with a statement by Mrs. Davidson, who told the police her husband told her he had been robbed of \$17. The Commissioner said that Davidson admitted playing street in a gambling house on Forsyth street and that he also admitted knowing Lefty Louie. He thought he knew Whitey Lewis.

Davidson admitted the killing. Dougherty said. He said that after he had been confronted with a statement by Mrs. Davidson, who told the police her husband told her he had been robbed of \$17. The Commissioner said that Davidson admitted playing street in a gambling house on Forsyth street and that he also admitted knowing Lefty Louie. He thought he knew Whitey Lewis.

President Taft's Mountain Trip.

Announcement is made that President and Mrs. Taft and party will motor through New England and are expected to arrive at the Mount Washington Hotel, Bretton Woods, about October 9 to enjoy the autumn glories of the White Mountains.

Church avenues, Brooklyn, will be celebrated next Thursday and Friday.

County Judge Dike in Brooklyn yesterday sentenced Nelson Casella, a negro, 27 years old, to nine years with hard labor in Sing Sing for perjury. On his conviction for robbing the house of former Congressman Briggs Casella swore he had never before been convicted. It was learned he had been convicted of robbery in 1903.

"77"

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