STENOGRAPHIC REPORT OF YESTERDAY'S SESSION OF THE POLICE BOARD.

Before the Police Board heard from Dr. Hawthorne yesterday afternoon, Rev. W. B. Beauchamp asked permission to make a statement or request in behalf of Dr. A. E. Dickinson, editor of the Religious Herald. He stated that Dr. Dickinson had a reporter present, but desired to be present at the investigation in order to suggest to his reporter what should be noted as of particular interest in the meeting.

After some discussion as to the crowded condition of the room, in which Messrs. Jacobs, Welsh, and Bosher participated, it was decided to make no discrimination in Dr. Dickinson's favor. It was later agreed to have him present, but when he was called, it was found that he had left the building.

Rev. Mr. Beauchamp protested in behalf of representatives of the Law and Order League against the refusal of the board to make provisions for their being in the room. He said these gentlemen were witnesses and wanted to hear Dr. Hawthorne's opening statement.

Later on he presented to Mayor Taylor a signed protest from three of these witnesses against the action of the board in not making room for them at the hearing.

The Stenographic Report.

After the decision as to the representatives of the Law and Order League, the following occurred in the Police Board:

Mr. Bosher: Dr. Hawthorne, you said you would bring some witnesses here this evening. We would like to know who are the witnesses.

Dr. Hawthorne: Before we summon the witnesses, I would like to make a preliminary statement of what I would like to prove.

Mr. Jacobs: I think, Doctor, that you made a statement of what you are going to prove. Now, I understand we talked over it the other night. We have nothing in the world to do with any matter that concerns the City Council; they are not amenable to us in any maner, shape, or form; they elected us to this body. We understood that you said you could prove the statements you made in your sermon. You want to amend that in any way, do you?

Dr. Hawthorne: I want to state what I am going to prove before this board, and the object I have in proving it. If the board will let me make a statement, they will see at once the importance of it.

Mr. Bosher: Doctor, just make your statement as brief as possible.

(Dr. Hawthorne rises.)

The Chair: Won't you have a seat, Doctor?

Dr. Hawthorne: No; I want you all to understand that I am here to render all the assistance that it is possible for a good citizen to render the board in the discharge of his duties, to furnish any intelligence in reference to the situation here which they are not in possession of, and, at the same time, I want to set myself right before this community.

Statements which I made in a sermon delivered some time ago have been discredited by utterances which appeared in the press. I wish to satisfy this board thoroughly, and to satisfy the entire community, that those statements were based upon facts of which I had then the knowledge.

In regard to the duties of the Police Department, I want to read what has been the legislation upon the subject, and that will indicate to the board the motives which I had in making these statements. I want to show that this legislation prescribing the duties of this department and of the city government has not been complied with. I wish to read chapter 3, section 19, sub-division C, of the charter of the city of Richmond, given by the State Legislature. (reads).

THE COUNCIL'S POWER.

"Powers vested in the Council to prevent vice and immorality."

I would like the reporters to take this down and have it go in your report.

"To preserve the public peace and good order; to prevent and quell riots and disturbances and disorderly assemblages; to suppress" (I call the attention of the board particularly to that clause) "to suppress houses of ill fame and gaming houses; to prevent lawd, indecent, and disorderly conduct, or exhibitions in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year."

That is a clause in the city's charter granted by the State Legislature.

I wish to read from the Code of Virginia, section 3,790: "Keeping houses of ill fame, how punished; general character of house may be proved.

"If any person keep a house of ill fame, resorted to for the purpose of prostitution or lewdness, he shall be confined in jail, not exceeding one year and fined not exceeding $200, and in a prosecution for this offence the general character of such house may be proved."

Richmond City Code, 1899, chapter 35, section 23. "The whole of the police force shall endeavor to prevent the commission of crime in the city and to preserve the good order and peace thereof and secure its inhabitants from loss and injury, and shall generally have power to do whatever may be necessary to these ends. Every member of the police force shall earnestly endeavor, when any offence is committed in the city, to detect and arrest the offender and strive to enforce all ordinances prescribing any fine or punishment for, and all acts of assembly, relating to, offences in the city."

Now, Mr. President, every member of the Police Department of our city government has taken an oath to obey these laws of the State. I have the oath in my pocket, I had it copied from the statute. (Produces copy of oath.) Here is the oath to be taken by the members of this board, the chief of police, captains, sergeants, and private policemen.

"I do declare myself a citizen of the Commonwealth of Virginia, and do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duties of (whatever the place is) to the best of my ability, so help me God."

Now, sir, it is made the duty of the Chief of Police and all of his subordinates to detect and report all the violations of the laws of this Commonwealth and the ordinances of this city. And in the prosecution of that work of discovering, detecting, and reporting any violation of these laws, he is not simply to report what he detects by personal inspection. For instance, in the case of a house of ill fame, the statutes do not provide that he shall go into the house and see for himself, and witness in that house acts of lewdness; the laws do not require that of him. The law simply requires him to bring to the Police Court evidence as to the general character, or bad character of the place; and if he can prove that in that community such a house is recognized as a house of prostitution, he has made out his case, and the penalty should be inflicted.

I want to say, gentlemen, that the laws of the State give to this police department no discretion in this matter. It is not for the Chief of Police or any of his subordinates to say whether they will enforce these laws or not, whether they will "discover, detect, suppress, and expel," according to the language of these statutes, or not, as to them may seem best. The Police Department has no discretion in the matter—none whatever. Every member of this department is solemnly sworn to execute these statutes of the State and these ordinances of the City Council. To assume that it is not wise, that it is not expedient, that it is not good policy to execute the laws against these houses of ill fame is an unworthy thing on the part of any man charged with administration of the law. He has no discretion in the matter; he has solemnly sworn to execute the law as he reads it and as it is read to him.

Well, it is said that it would be unwise and would not accomplish anything if these laws against the lewd women of the city were enforced. Nothing would be easier to refute such a position as that. That State law provides that if a woman or a man is found keeping a house of lewdness or ill fame, he or she shall be arrested and shall be fined not less than two hundred dollars and put in jail for not less than twelve months. Now you might argue with me from this hour to doomsday that the execution of that law just as it stands would not reduce lewdness in this city. You put a man in jail for twelve months for such an offense as that, or you put a woman in jail for twelve months for keeping a house of ill fame, and if she don't quit the ranch, or abandon her trade, rather than run the risk of having the punishment inflicted again, she is unlike any woman I ever saw.

The men that made these laws were not fools; they were men who understood human nature; and that law stands there as an expression of the judgment and the conscience and the citizenship of the State of Virginia. In their judgment it will reduce this crime to enforce such a law, to subject transgressors of it to such punishment. Will this board assume, and will the Police Department of Richmond assume, that those men were unwise who enacted that statute and that nothing will be accomplished in reducing lewdness in this city by the execution of that statute? In the first place, it is an assumption upon the part of the Police Department that is utterly unwarranted.

Now Mr. President, after having made this preliminary statement, I want to proceed to prove, with the witnesses I shall introduce, that the Police Department of the city of Richmond has not conformed to these statutes, and the first witness that I wish to introduce is Major Howard, the chief of police.

Major Howard: Mr. President, I think as I have been made a defendant in this matter, I ought not to be put on the stand; he ought to get somebody else.

Mr. Bosher: I wish to suggest to Dr. Hawthorne that he call Justice Crutchfield, as he is suffering considerably.

Dr. Hawthorne: It would defeat my plan of procedure to do that.

Mr. Welch: Mr. President, before we proceed, I wish Mr. Bosher would read what Dr. Hawthorne is summoned here for.

Mr. Bosher: At the last meeting I stated to Dr. Hawthorne that he was summoned as a witness before this board to tell us something about the statements he had made in his sermon, and he promised he would prove those things this evening.

Dr. Hawthorne: I am going to do it.

Mr. Bosher: The first thing that was asked him was about the seventy barrooms being open on that Sunday, and I asked him whether it was the Sunday he was preaching, or the Sunday previous.

Dr. Hawthorne: I am going to cover the whole matter contained in that sermon, if you will just allow me to proceed.

Mr. Bosher: I would just say that is what the board has been called for, and you promised to prove that this evening.

Mr. Jacobs: We nave talked over a little matter of Dr. Hawthorne's that is not of much importance, but still the statement had been made and I think we had better correct that at the start. In that sermon you said that the sum of $150,000 was appropriated in this city for the maintenance of the Police Department.

Dr. Hawthorne: I will get to that. I don't want to be side-tracked on anything of that sort right now.

Mr. Jacobs: That is just a preliminary thing and I would like to get it out of the way.

Dr. Hawthorne: I trust the board will allow me to proceed. I will get to that after a while. We are simply wasting time now in the discussion of those questions.

I made statements here in regard to the number of lewd houses in this city, and that they were not interfered with, except, perhaps in some few cases, where people in the community where they existed rose up and demanded their removal. I am ready to prove those statements by the testimony of the Chief of Police, who has made them before a committee of the City Council appointed to report on the Minor (?) resolution for the suppression of these houses of ill fame; he has made to that committee the identical statement I want to make here.

I am not prosecuting Major Howard. I suppose if any are guilty, the rest of us are just as guilty as he. We have all been acting under wrong impressions, I think, of what our duty is. I am not prosecuting anybody, but I want to make good the statements I made in my sermon that the laws have not been executed.

Major Howard: I don't see why you should make me the defendant in the case and then put me on the stand.

Dr. Hawthorne: I am not making you the defendant, any more than I am the other witnesses I am going to introduce.

Major Howard: I think he ought to introduce them first and catechise them. But I have no objection to making before this board the statement I made before the committee.

Mr. Bosher: I think Major Howard should use his own discretion; he need not incriminate himself.

Mr. Welsh: You have no statement except what you made before the board last week?

Major Howard: It is the same statement.

Dr. Hawthorne: Have you talked to a minister of the gospel?

Major Howard: I talked to my own rector, but I didn't tell him there were four hundred houses of prostitution.

Dr. Hawthorne: Did you or not tell him that you had the name of every house of prostitution, that you had the name of every inmate of those houses, not only her assumed name, but her real name; that you were in communication with them from time to time, and that they averaged three to a house?

Major Howard: I don't recollect saying that they averaged three to a house; the balance of the statement is corret.

The Chairman: If Major Howard is going to testify, he ought to be sworn.

Dr. Hawthorne: It is a curious thing, gentlemen, that witnesses who have been summoned here to testify about the matter you are to investigate should decline to testify. What is going to be the construction the public will put on that sort of thing?

Major Howard: I don't decline to testify, but I decline at this time.

Dr. Hawthorne: I don't consider that Major Howard has done anything in this matter that he considers dishonorable. He is acting upon what I suppose he believes to be the wise policy. But I want to show that our Police Department has made a mistake in a serious way by not executing the statute of the State in this particular.

The Chairman: Don't understand me as objecting to the chief, but every witness that testifies has got to be sworn.

Mr. Landerkin: I understand you to say that the statement that you gave from Major Howard, was made to his pastor, Dr. Goodwin, I believe. I think that probably before the Major makes any statement, Dr. Goodwin should be called in to testify to exactly what was the statement that Major Howard made to him.

Dr. Hawthorne: Why not let Major Howard make his statement and see if Dr. Goodwin corroborates him?

Major Howard: That is what I refuse to do.

Dr. Hawthorne: Would the board summon two members of the City Council? You can get Harry Pollard very readily, and Mr. Spence, the shoe man.

Mr. Landerkin: I supose if Dr. Goodwin is called, Major Howard will make the same statement.

Mr. Jacobs: It seems that the gentlemen who invited Dr. Hawthorne down here, the gentlemen who are members of this board, understood from his sermon that he made the statement that there were 450 houses of prostitution in the city of Richmond, if the papers correctly reported him.

Dr. Hawthorne: Yes, sir. I made that statement, and upon the authority of what I heard in public and what I heard from that committee. My recollection was that it was 450. But I would like to have Dr. Goodwin sworn.

Dr. Goodwin was here sworn as a witness.

Dr. Hawthorne: Dr. Goodwin, did you ever have any conversation with Major Howard, the Chief-of-Police, in reference to houses of prostitution in this city?

Dr. Goodwin: I have, sir.

Dr. Hawthorne: Will you please relate here, substantially what you related at the public meeting of citizens, in regard to that conversation.

Dr. Goodwin: Yes, sir; I was speaking to Major Howard on that subject and told him that I had heard a great many reports that there were in a certain locality of this city—did not mention the exact squares, but above First street, between Broad and Franklin—I heard the statement made that there were twenty-five or thirty of these places in a few squares; also the further statement made that there were 150 in the city.

Dr. Hawthorne: One hundred and fifty?

A PUZZLING MATTER.

Dr. Goodwin: That is what I said to Major Howard. Major Howard said "Yes, they are up there." He says, "We have been trying to locate them where the police could keep an eye upon them and where they would make little disturbance." He said: "We thought up on Broad street was the best place to put them." He said that there was no question that disturbed the chiefs in their annual meeting any more than that one as to what to do with houses of assignation or ill fame. He went on and stated a case that in one city they had determined that all these places should be driven out according to the letter of the law, and that they scattered throughout the city; and in one place there was a tenement house, or flat. On the lower floor, he said, of that house is a respectable family, on the second there is a house of assignation or ill fame, on the third, another respectable family, and on the fourth another bad house. Those people passed up and down together in the same elevator. He said: "If I drive these people away from there, how do I know that they will not go and rent a house next door to you?" He says, "I know where they are. I keep my eye on them; and furthermore," he says, "it is a great assistance in breaking up this thing. I constantly get letters from men in the country whose daughters come off to town and they fear that they have gone to these places. And," he said, (I think his words were), "in forty-eight hours he could generally locate them, and in various instances he had arrested girls and sent them back to their fathers; he says he knew them all, had a list of them all, and had the place where each one was and had the eye of the police on them all.

PROTECTED THE PROPERTY.

He furthermore mentioned an instance (I don't remember the names. I suppose Major Howard can tell if you ask him, but somewhere up on Broad street) of a merchant or business man of some kind who came to him when he heard he was about to move one of these women from his store, and begged him not to do it; said it was the greatest protection that his store had; that people were going in and out all night and it was a protection to his store—showing that some people at least on Broad street did not object to their being located in that part of the city. I asked Major Howard the question, "Isn't this against the law?" He said, "Certainly it is; but what are you going to do abou it?" He says: "There is no question disturbing the police authorities of the United States more than that question. That is it in substance.

Dr. Hawthorne: You say he stated there were 150?

Dr. Goodwin: I did not say he said so. I said I said to him that I had heard that in a certain location up there about Monroe, Madison, Marshall, and Jefferson streets, along there in the neighborhood of Dr. Kerr's church and a little farther out, there were twenty-five or thirty, and that I had furthermore heard that there were about 150 in the city and could it be possible. Major Howard did not state to me how many there were in the city.

Dr. Hawthorne: I understood you to say 350 in the whole city.

Dr. Goodwin: No, sir; I heard that statement made, but I did not make it.

Dr. Hawthorne: It was made in the meeting.

ABOUT THIRTY-EIGHT OF THEM.

Major Howard: Don't you recollect in a conversation we had some year or more ago that I asked you, did you ever walk up Broad street from Seventh to Madison and Monroe, up in that neighborhood, and you said, Yes, that you had been up that way? And I then asked you, did you ever see any disorder or disorderly persons hanging out of windows—women hanging out of windows?

Dr. Goodwin: Yes, I recollect you asked that question.

Major Howard: And I told you, "Did you know there are twenty-eight or thirty-eight houses of ill fame between Seventh street and Madison and Monroe?" and you seemed to be astonished?

Dr. Goodwin: Yes, sir; and I expressed my surprise. I don't think that was in that same conversation; it was another time.

Major Howard: That statement you made there is a very correct one.

Dr. Hawthorne: The statement of Dr. Goodwin is correct?

Major Howard: That is about the number of houses in the city.

Dr. Hawthorne: Who was it made the statement that there were four hundred and fifty? Who made that statement?

Dr. Goodwin: Three hundred and fifty is the number, it seems to me, I heard that were in the city, but I don't remember. It was when they were talking that night. I don't remember whether it was Dr. Upshur, or who it was. It was in the discussion in which Dr. Upshur took part.

Dr. Hawthorne: I will find the man who did make it. I do not know that I wish to ask Dr. Goodwin any further question.

MAJOR HOWARD'S TESTIMONY.

Dr. Goodwin was excused, and Major Howard was called and sworn and interrogated by Dr. Hawthorne as follows:

Dr. Hawthorne: Major, have you read the statutes in regard to suppressing, detecting and reporting lewd houses in the city?

Major Howard: I will state, to save time, that I have made myself familiar with all the laws on the subject.

Dr. Hawthorne: Are you, then, aware of the fact that these lewd houses exist in defiance of the laws of the State?

Major Howard: Yes, sir.

Dr. Hawthorne: What do you conceive to be your duty in reference to them as prescribed by the statutes of the State?

Major Howard (rising): I will stand up and tell you that. I conceive it to be my duty as chief of police, to do the best I can to suppress crime and vice of all character; but in the case of lewdness—in our convention it is talked every year. What shall we do with them? What shall we do with those people? We can't kill them; we can't drive them out of town; we can't do anything with them that we know of, and the best thing to do with them is to have them under control. And we have had them under control since I have been chief of police, and, I think, as well in hand as any chief of polic in this country; I do not except any.

Dr. Hawthorne: Is that your construction of the law, of what it requires of you?

MANY PLACES "PULLED."

Major Howard: But we cannot carry it out. We arrest them. My annual report last year shows how many houses were "pulled," as they call it. That was where complaint was made. Whenever any complaint was made of a house of that kind, I immediately send for the parties, have them brought here, and tell them what they must do, and they generally do what I tell them.

Dr. Hawthorne: At this point allow me to ask you: Have not complaints been made to the department by respectable citizens who are living in the vicinity of these lewd houses—haven't there been complaints made to you to which no attention was given, and is it not true that those complaints in many cases have been made again and again, and that months sometimes elapse before the trouble is removed?

Major Howard: Not where I get a letter with some one's name signed to it. When I get anonymous communications I tear them up and throw them in the waste basket, and do not take any more notice of them than the passing wind.

Dr. Hawthorne: In reference to houses against which complaints have been made, have you ever made any effort to execute the law against those houses?

Major Howard: I instruct the officers—

Dr. Hawthorne: To arrest them and bring them before the police justice?

WAY THE THREAT IS PUT.

Major Howard: I leave them to do what it is best to do. If there is any complaint, and they do not move away from there in a certain number of days—we have not any right to say that they shall move—but we say this: "Mary Jane" or "Susan Jane," or whatever you choose to call her, "there is complaint about you and your house. We have not got any right to say that you shall move out of here, because that will affect the real estate agents and property owners, but we have a right to tell you that we will be around here in eight or ten days, and if we find you here we will carry you to court."

Dr. Hawthorne: The law requires you to suppress these houses. Isn't that the language of the law?

Major Howard: That is the language of the law.

Dr. Hawthorne: Have you instructed your police force to suppress them—that means to remove them?

Major Howard: I have done this: I have stated this to the Police Board: "Gentlemen, we could put these people in the Police Court—every solitary one of them—in twenty-four hours. If you do that, what will become of them? What are you going to do with them?"

Dr. Hawthorne: Suppose you didn't arrest all at once, but take a few at a time?

WEPT LIKE A CHILD.

Major Howard: That is what we do. One of the women, who lives on Broad street, came to me the other day. She went to the Academy to see a play there. I sent for her the next day to come down, and told her that if she went to that place again with a gentleman I would put her in jail. And she stood right there in front of my desk and cried like a child, and said she didn't know what would become of her—wouldn't let her look out of the windows, wouldn't let her open her blinds, wouldn't let her stand at the door, "and now you will not even let us go up to the show with a friend I had from New York." And then she said: "I am going to move out of the city." I said, "That is the best thing you can do." She will go to some other city and do the same thing.

Dr. Hawthorne: That is my point—that if you make it uncomfortable for them to stay here, they will go.

Major Howard: That is what I am doing.

Dr. Hawthorne: Have you instructed your police to detect and arrest and report those cases (for those are the words of the law—detect and report)?

Major Howard: I think I have made that very clear.

Dr. Hawthorne: Do you instruct your police to go to those houses that are not complained against by citizens and arrest the keeper of these lewd houses and bring them to the Police Court?

WARM QUESTION AND REPLY.

Major Howard: I will make another statement. When I was made a chief of police, it got out somehow or other that I was going to make the women move off of Broad street, and I thought that was one of the best places in the city for them, right on Broad street. The merchants on Broad street from Fourth to Adams street came after me and said: "For God's sake, don't move those people away from there; let them stay there; they are a protection to our property."

Dr. Hawthorne: Are you going to be guided by such talk of people or by the law you have sworn to uphold?

Major Howard: I am doing the very best that I can and the best that anybody else can. If you were in my place you would not do as well probably.

Dr. Hawthorne: That may be so. I am not going to make an issue on that; but the simple point I make is, that you have not obeyed the requirements of the law. The law says that you shall detect, report, suppress and eject. You have not done it.

Major Howard: I am doing it to the very best of my ability, and I think I come as near to it as anybody possibly could do.

Dr. Hawthorne: I am not going to raise any issue with you about that. I do not question your motives at all.

Major Howard: I understand your motive.

MUST USE DISCRETION.

Dr. Hawthorne: But I say you are acting under a misconception of your right to assume to exercise your discretion; that the law leaves you no discretion.

Major Howard: Any police officer, I do not care who he is, be he chief or the humblest private in the rank, that did not use discretion in police matters is not fit to be a policeman and ought to be discharged.

Dr. Hawthorne: I want to ask you something about the gambling houses so that it will not be necessary for you to be called back. How long have you been Chief of Police?

Major Howard: Well, about seven years and a half.

Dr. Hawthorne: When you were elected, or when you were a candidate for the office, wasn't it generally understood that if you were elected that you were to enforce the laws against gambling houses? Wasn't that the general understanding?

Major Howard: I do not know whether that was or not. I don't know why it should be. I never told anybody.

DR. HAWTHORNE'S PULPIT STATEMENTS.

Mr. Jacobs: Before we pass from that other matter, I would like to take up and have settled the question about the statement in Dr. Hawthorne's sermon that there were four hundred and fifty houses of ill fame in Richmond. Don't let's leave one subject until we get through with it. Prove that.

Dr. Hawthorne: I will prove that by another man. The statement was not made by Dr. Goodwin in that public meeting, but it was made by somebody else there, that there were four hundred and fifty of them.

Mr. Welsh: Major, could you set the Doctor straight and tell him how many houses there are.

NINETY-SEVEN HOUSES.

Major Howard: In the First Police District there are fifty-four houses; number of women, 162; in the Second District there are twelve houses (that is white people I am talking about), with twenty-five women; in the Third District there are thirty-one houses, with fifty-eight women, making in all two hundred and forty-five women and ninety-seven houses.

Mr. Bosher: I understand that is official?

Major Howard: Yes, sir; there are the names, the districts and name of each one. Some of those have gone out of business.

Here Major Howard was questioned concerning immorality among negroes, and gave some information along this line.

Continuing, the Chief said:

"Here are the three districts, and the names of the houses, and the names of the women—ninety-seven houses and two hundred and forty-five women.

Mr. Jacobs: If there is any disorder at these places, are the orders that they shall be arrested, that all disorder shall be put down in them?

Major Howard: At all times.

Mr. Landerkin: Isn't it a fact that as soon as a house is reported to you as being a disorderly house, you immediately suppress that house?

Major Howard: That is right, sir.

THRUSTS AND PARRIES.

Dr. Hawthorne: Isn't the house that exists contrary to law, doing business contrary to law, a disorderly house?

Major Howard: I presume it is. That is where the discretion comes; there is where I use my discretion—everybody uses discretion.

Dr. Hawthorne: The law gives you no discretion.

Major Howard: I claim that it does.

Dr. Hawthorne: Does the law give you any discretion in reference to thefts?

Major Howard: Yes, sir; it gives me discretion in that—at least I do not know that the law gives me discretion, but the judges of the courts do.

Dr. Hawthorne: You exercise your discretion?

Major Howard: Yes, sir; and I will tell it to you very plainly. I have had in this room mothers and fathers with their wayward boys, telling of their shortcomings, where I could prosecute them or send them to the Police Court and from there to the grand jury, and they would go over the hill to the penitentiary, and I have had one boy kneel down on his knees and offer as pretty a prayer as you ever heard, thanking me for my kindness to him in not pressing the case against him.

LAW VERSUS TENDER HEART.

Dr. Hawthorne: But the law—

Major Howard: I am not telling you the law, I am telling you the facts. I will use discretion as long as I am Chief of Police.

Dr. Hawthorne: That shows your tender heart; but does the law give you such discretion?

Major Howard: As I said, an officer who does not use discretion is not worth a cent.

Dr. Hawthorne: That is your interpretation?

Major Howard: Yes, sir; and if any Chief of Police in the United States, Canada, or Europe will not say the same thing, I will resign to-morrow.

Dr. Hawthorne: Now, in reference to gambling houses, I want to ask you a question: When you were first elected and went into office, you knew of the existence of gambling houses in the city?

Major Howard: I thought they were here.

Dr. Hawthorne: Didn't you notify them that they must close?

Major Howard: I will make a statement on that subject, too.

SPEAKING OF GAMBLERS.

Mr. Bosher: Are you speaking of the gamblers now?

Dr. Hawthorne: Yes, sir.

Mr. Bosher: We concede to you that gambling existed in Richmond and the courts have proven that already.

Dr. Hawthorne: I want to know what has been done by the Police Department.

Mr. Bosher: We have broken the gambling up. We concede to you that there has been gambling in the city of Richmond, and the courts have decided that, and these men have been punished and the places have been broken up, and I see no use in going over this gambling part.

Dr. Hawthorne: My sermon had reference to the state of things for years and years. I want to show that this Police Department has not complied with the provisions of the statutes in reference to these gambling institutions, and that supports the statement that I made in my sermon. Now, I want to prove as to these gambling houses that were reported here the other day by Mr. Wyatt, and that pleaded guilty—and he summoned a hundred witnesses to convict. I want to show that some of those gambling houses have existed here for years and years to the certain knowledge of the police, and that they have not complied with the law in suppressing them, in breaking them up. The law provides that they shall be broken up and what shall be done with their gambling implements and furniture. I want to show that these institutions have existed here for many years to the certain knowledge of the police and that they were not interfered with.

DOING THEIR BEST.

Mr. Jacob: May it please your Honor, the sermon that Dr. Hawthorne delivered says: "What are the conditions?" We, gentlemen of the Police Board, have been laboring here faithfully for a good many months to try to correct, as well as we could, some things that were in existence, that formerly had not come direct to our knowledge.

Dr. Hawthorne: There is no dispute about that.

Mr. Jacobs: Last March an effort was made (and Mr. Wyatt will tell you when you put him on the stand, certain things that will corroborate what I am going to say) gamblers were carried into court and they were convicted. With the exception of those in one district there were none detected. It was thought by the board that in some way they had gotten knowledge of what was going to occur. The board has thoroughly investigated that matter and tried to place the responsibility on somebody, if they could, with the idea that he should be puished. They have been utterly unable to fix the responsibility on any individual. These gambling houses, as well as we believe—as well as we know from the best information we can get—even in that district, have not been run since the latter part of last March.

Major Howard: The 18th of March.

Mr. Jacobs: You said in your sermon, "What are the conditions?" We want the people of Richmond to know—you want them to know about your statement, we want them to know about our position, whether we are trying to be faithful in the discharge of our duties here as public servants, and we want them to know that this thing was done, and that to the best of our knowledge and belief, that even in the Second District, this gambling was suppressed at that time and has been under suppression ever since. In your statement you did not say six months ago, or one one year ago. You said: "What are the conditions?"

WHAT HAS BEEN DONE.

Major Howard: I just want to show Dr. Hawthorne that we do attend to some little business. This is my annual report of the 31st day of December, 1901, (exhibiting report.) There were arrested and brought before the Police Justice that year fifty-three gambling houses.

Dr. Hawthorne: Were they little places or big places in the heart of the city?

Major Howard: I am not prepared to say what they were now. They were gambling houses.

Dr. Hawthorne: Were they these big places in the heart of the city?

Major Howard: I will make a short statement with reference to my action in March. On the 17th day of March I had a conversation with our Commonwealth's Attorney in regard to gambling going on in the city. The Supreme Court since 1879 has deemed poker playing or so decided, that poker playing was not unlawful, only to a certain extent—a man had to win or lose $20.

Dr. Hawthorne: In private houses, but how about gambling houses?

POKER ROOMS SPRANG UP.

Major Howard: That is the point I am coming to. Poker-rooms sprang up in every section of the town. On Broad street, Main street, Seventeenth street, Church Hill, and everywhere else, there were poker-rooms; and about a week before this conversation with Mr. Richardson there was a man killed out there (he was found near the Second Police Station) named Clayton, and it was discovered that he was an employee of one of those poker-rooms. Then young Allen had lost a great deal of money in what was supposed to be a poker-room, and I asked Mr. Richardson, "For God's sake, can't we do something with these people? Can't we break them up one way or another?" He says: "..e can punish them under the common gaming law." That was the 17th of March. On the 18th of March, I assembled my captains here and told them about this conversation with Mr. Richardson, and I said, "Now, I want you to go out and detail men to get evidence against every house in town where there is any gambling going on of any character and bring me the evidence so that I can prosecute them." They brought me the evidence. They brought evidence against eleven places, and they went into court and were fined by His Honor, Judge Crutchfield, $30 and costs. And then this investigation. On the 30th of April (my report was dated the 30th of April) I made my report to the board stating that these parties had been punished and so on, and why the delay of it was, and I could not tell why it was there were no cases found in the Second Police District; and that caused an investigation, owing to some articles in the newspapers in regard to some negroes or something—anyhow it brought about an investigation of Captain Angle. Mr. Wyatt said one thing and all the officers of the district said another. That led to an investigation. Captain Angle was Honorably exonerated in that case.

CHIEF CLAIMS THE CREDIT.

Dr. Hawthorne: Did Mr. Wyatt arrest those men and procure this evidence in obedience to direct instructions from you?

Major Howard: Yes, sir; he did not procure the evidence particularly, but I had charge of these cases up to swearing out the warrants and handing them to him and telling him to go and arrest the parties.

Dr. Hawthorne: Didn't you know that those houses were in existence and had been for a long time?

Major Howard: They were not in existence at that time. They were not. They had been closed about three or four months before that.

Dr. Hawthorne: Prior to that time, prior to this reform?

Major Howard: I will just say that all of these men had poker-rooms—gilt-edge gamblers they call them. They all had poker-rooms.

Dr. Hawthorne: Haven't there been large gambling houses here helped by men that you knew, of whom you had knowledge here for years and years, ever since you were chief of police?

HE THOUGHT SO.

Major Howard: I did not know it. I thought so, and there has been no doubt in my mind in the world that there has been ever since Richmond has been incorporated and will be until it is burned down.

Mr. Bosher: Major Howard, didn't you make an attempt to break up these gambling houses wh[illegible] you first became chief?

Major Howard: Yes, sir, I did. I invited them all here. I had every reputed gambler in town in this room and told them all, "Gentlemen, I am going to try. I don't believe I can break you up entirely, but I am going to make you an roost low. Whenever you pull a card out of the box, you may look out that one of my men has not got ...s hand on you."

Dr. Hawthorne: Let me ask you this question: That is a matter of common report at least, that you did, when you first went into office, notify them that they must stop, but didn't you relax that rigid determination after three or four months?

CONFERENCE EVERY WEEK.

Major Howard: Captain Hulce can bear me out. I have a conference with my officers every Tuesday morning. We talk over matters and things in general, and what ought to be done; and once a month almost for the last five or six years, I have given that instruction, to look out for gambling institutions.

Mr. Jacobs: Mr. Chairman, I respectfully submit that the fact has been established last April, since by the work of Officer Wyatt, that previous to the 18th of March last, gambling houses did exist. They were brought into court and they were punished. The statement was made as I understand in Dr. Hawthorne's sermon, "What are the conditions?" I do not see any use in going back two or three years. The fact was established by the courts that they had existed, and they were convicted and punished. The sermon is the question at issue, as I understood the gentlemen who invited Dr. Hawthorne down here. Let us try and confine ourselves to that as well as we can and go along as smoothly as possible.

MINISTER'S INTERPRETATION.

Dr. Hawthorne: Mr. Chairman, the situation, as described in my sermon, has reference to the condition of things here for years and years, certainly within the last eight years. I declared that there had been all this vice here, and that the authorities had assumed that they had a right to determine whether they would execute the law of the land; that it was discretionary with them, but that they were solemnly sworn to enforce the laws as they found them in the statute book, but that the laws have not been enforced against the disorderly houses, nor again as to the gamblers, except perhaps in some rare cases; that there had been little places, small places broken up by the police, but the great big gambling houses, where the bulk of our young men are debauched and ruined, were not interfered with until a recent period, until this reformation started here and a different public sentiment had been generated.

BOSHER SPOKE PLAINLY.

Mr. Bosher: You do not say that in your sermon. You have qualified your remarks here, "and the stigma is upon the Police Department." You do not treat the department fairly or the board fairly. You go on and use the present tense and say that they are 450 houses in the city and seventy bar-rooms open on Sunday, and gambling running riot. That is what we want you here for. We do not want you here to speak of facts of five years ago, or six years ago, or seven years ago. Let us confine ourselves to the issue.

Dr. Hawthorne: I want to show that this Police Department has not complied with the law; that its policy has been to use discretion as to whether it will execute the law or not.

Mr. Bosher: This department claims it has complied with the law.

Dr. Hawthorne: It is beginning to do it now, but its past policy has not been that.

Mr. Bosher: It shows it originated with the department, that this matter originated with the board and the Chief and the Commonwealth's Attorney.

THE DOCTOR'S QUESTION.

Dr. Hawthorne: Why is it, Mr. Chairman, why is it that this Police Department could not find evidence to convict the bar-rooms who were selling liquor on Sunday? Why is it they could not do it? They were continually saying: "Well, we cannot get the evidence." But here is a little Sabbath league that employs a detective, and gets the evidence to convict twenty-nine of them for selling liquor on Sunday, more than the whole police force have done perhaps for two years.

Mr. Jacobs: When was that?

Major Howard: Last year. There were ten bar-rooms.

Dr. Hawthorne: There were twenty-nine, so stated by the league, so stated by the secretary of the league, Dr. Campbell himself, that they furnished evidence to convict twenty-nine.

Major Howard: Will you allow me to ask you a question in regard to that matter?

Dr. Hawthorne: Yes, sir.

WHAT CHIEF SAID IN REPLY.

Major Howard: There were four cases against a man named Weinbrunn and four cases against a man named Anthony, and there were two cases against a man named Stumpf. I have the records on my table to show what I am talking about. They went into court, and they had made arrangement with counsel, or counsel had made arrangements, to suppress all the cases against Weinbrunn except one, and he was fined the minimum fine in that case, of $10 for the city and $10 for the State, with the costs attached to the State part of it—no costs to the city, I do not think. The same procedure with Mr. Anthony in four cases (three of them were dismissed), and one case against Mr. Stumpf.

Mr. Landerkin: Who was on the bench when those cases were disposed of?

Major Howard: I think Mr. Graves was. The Police Justice was sick at the time. Mr. Graves allowed the counsel to compromise those cases.

The Chairman: Who was their counsel?

HOW IT WAS DIVIDED.

Mr. Howard: Mr. Harry Glenn was one of counsel for defence, and a man named Massie was counsel for the Observance League. They dismissed the cases, and the city got $30 and the State got $30, and the Police Board got the costs in three cases, and there was $150 paid to the Sunday Observance League to pay their expenses, the expenses of their counsel, and the parties, I presume, whom they had employed. I don't know whether that was a fact or not. Anyhow, it was agreed to settle these cases on condition that the bar-keepers would pay the amount in money to the Sunday Observance League. Now, where is the discretion in that matter?

Mr. Landerkin: That was a compromise.

Major Howard: Yes, sir; if Mr. Crutchfield had been on the bensh he never would have done it; he never would have compromised it; he would have fined them all, and not fined them the minimum fine, either.

Dr. Hawthorne: That is all I want to ask the Major.

The Chairman: I understand you to say they were compromised by the Sunday Observance League?

Major Howard: By the Sunday Observance League and the counsel for the parties.

Mr. Landerkin: I would like to ask Major Howard—I have not been on the board very long and I do not know exactly how many of those houses of prostitution have existed in the past—I would like to ask you now if the number is larger or smaller?

FEWER EVERY YEAR.

Major Howard: They are diminishing every year.

Mr. Landerkin: You have got them down to ninety-seven?

Major Howard: Ninety-seven now. When I was made Chief of Police and made the first roster, I think there was then about three hundred and fifty.

Dr. Hawthorne: Three hundred and fifty houses?

Major Howard: At that time.

Mr. Landerkin: There is no gambling going on in the city to-day, nor has there been any since last March?

Major Howard: Not that I know of. I think every man in the Police Department now is thoroughly on the alert for gamblers. I don't think there is any going on except at the clubs. All these poker houses I speak of are now working under a charter.

Dr. Hawthorne: Playing poker?

Major Howard: Yes, sir; chartered as social clubs, just the same as the Commonwealth Club, the Westmoreland Club, the Virginia Club, the Jefferson Club, and all other clubs.

Mr. Landerkin: Mr. President, as that seems to refute the charges made by Dr. Hawthorne in his sermon in regard to the number of houses of prostitution, and as Major Howard assures us there is no gambling being done in Richmond today, I suggest that we now take up the cases of the seventy barrooms that Dr. Hawthorne states are open on Sunday.

Dr. Hawthorne: I am not through with this part of it yet.

MR. CRUTHFIELD QUESTIONED.

At this point Major Howard was excused and Justice John J. Crutchfield was called to the stand and questioned by Dr. Hawthorne as follows:

Q. Judge Crutchfield, what classes of offenders of the law come before you?

A. From expectorating on the sidewalk to a murderer.

Q. Do you try cases of disorderly women who come before you?

A. Yes, sir.

Q. Do you recognize the fact that those institutions exist contrary to the law of the State?

A. Yes, sir; that they exist.

Q. When the police arrest women for keeping such houses and bring them before you, do you fine them according to the statutes of the State?

DEPENDS ON THE CASE.

A. I have different ways of doing it. Depends entirely upon how the case is presented, just like you would to take up a subject. If I think it is best for the community, I continue the case, say, for ten days, before I hear any testimony whatever. If she moves in that time and the complainant withdraws his complaint, the case is dismissed.

Q. Are many such cases brought to you by the police?

Justice Crutchfield: Do you mean white or colored?

Dr. Hawthorne: White or colored.

Justice Crutchfield: Do you mean both?

Dr. Hawthorne: Yes, sir.

A. I suppose I average such women three or four a day, sometimes twenty-five or thirty.

Q. Are those persons brought before you as violators of the law which prohibits the existence of houses of prostitution?

A. Let me understand you.

Q. The statute law makes it an offense punishable by a fine of $200, or imprisonment for twelve months in jail.

Justice Crutchfield: I think you have made a mistake in regard to the punishment. That is the maximum, is it not?

Dr. Hawthorne: Not more than that.

Justice Crutchfield: Not exceeding twelve months. That is in the discretion of a man in my position to put it one cent and one hour.

Q. Do the police just take up a person, any woman that they suspect of keeping a house, and report her to you, or do they report only such cases as the people in the community make complaint against?

A. That is a question that is out of my power to answer. I am a judicial officer. I never meddle with anything unless it is brought to my attention. I have troubles enough. If you had just come down and sat with me this week you would have thought I had.

Q. Are most of the complaints that come to you about these women from citizens living in the vicinity, or are they from policemen?

A. Come both ways, doctor.

A. Do more come from citizens or from police?

A. Where the "first-class" houses are to be broken up, they do come from the citizens. Now, we have all grades of them, so they tell me. I don't know.

By Mr. Jacobs: Q. Justice Crutchfield, you said that several are brought before you daily. Is it often the case that street-walkers are brought in?

A. Yes, sir.

Q That are not denizens of any particular locality?

A. Yes, not denizens of any particular locality, except Scale House alley and the market, and particularly back of Broad Street Methodist church, there are one of two there. I have just broken up a woman that kept a house on Tenth street, on the side of Broad-Street church. I never went into the evidence to find whether she kept a house or not, but the main complainant was an old army comrade of mine. He said, "John, I just want her to move." I said, "All right." I told her "If you will move, Mr. Vaughan says he will withdraw the charge."

By Dr. Hawthorne:

Q. Did you ever hear a complaint coming from the police department that you were not exercising the law against persons brought before you?

A. I think that is one of the things I am proud of. I do not believe I have ever been accused of not executing [illegible]; but I will say this, I would not allow any public sentiment make me convic[illegible] if I did not think he was guilty. I discharged three people yesterday charged with selling whiskey last Sunday.

Justice Crutchfield was excused and Rev. W. B. Beauchamp was called to the stand and interrogated by Dr. Hawthorne as follows:

Q. In your statement before the meeting of citizens some days ago, you seemed to be very much stirred up about the prevalence of vice, the rapid increase of vice in the city, particularly in reference to the multiplication of houses of ill-fame, and about gambling. You made some statement in reference to a company of boys that were accustomed to meet in some place in your vicinity to gamble, did you not, or will you just state what you did say on that occasion?

Mr. Jacobs: I would like to get the date of that statement.

Mr. Beauchamp: The statement that Dr. Hawthrone refers to was made at the citizen's meeting that first night.

Mr. Jacobs. Do you remember the date of that?

Mr. Beauchamp: I don't recall.

Dr. Hawthorne: I think it was two

(CONTINUED ON EIGHTH PAGE)