

WEST SIDE RIOT BROKEN

Devery's Order to Use Clubs Freely Has Its Effect.

A CHARGE AGAINST POLICE

Eye Witness of the Clubbing of a Negro in Station House Presents His Evidence.

There was no more rioting between the whites and the negroes on the west side yesterday. This was chiefly because of the severity of the police, in compliance with Chief Devery's orders not to take prisoners, but to club the rioters into submission wherever they proved obstinate.

Despite the fact that Acting Capt. Cooney of the Thirty-seventh Street Station thought the backbone of the riot broken, he took no chances and sent out squads of police to patrol Eighth Avenue from Twenty-eighth to Forty-second Street. The men acted under the same orders as had been given the night before, to keep together, not to allow any crowds to collect, and, if necessary, to club persons inclined to be disorderly.

Inspector Thompson, with his personal staff of thirteen detectives, spent the day patrolling his district, dispersing small boys who congregated in Eighth Avenue and searching the surface cars for armed negroes.

Many of the negroes who had become intimidated owing to the riots, trusted themselves in the streets yesterday for the first time since Wednesday night. In consequence the pawnshops in the neighborhood were closely watched by the police for those who might seek to purchase revolvers.

Late last night Inspector Thompson said that, barring isolated attacks by negroes on white men, he anticipated no further trouble. In case there is, however, 150 reserves at the Thirty-seventh Street Station and some 200 reserves in the neighboring precincts are in readiness.

CHARGES AGAINST THE POLICE.

There was considerable talk yesterday about the charges of brutality against the police of the Thirty-seventh Street Station who clubbed at least one helpless negro prisoner in order, it was said, to vent their spite for the recent killing of Policeman Thorpe by the negro Harris. The case of William J. Elliott of 327 West Thirty-fifth Street, a bell boy in the Hotel Imperial, was particularly cited. Elliott, while in custody of an officer, who was leading him from the Sergeant's desk to the cells, was knocked down and beaten and kicked by many of the reserve policemen. One man struck him with his club.

When Police Commissioner Abell was asked what would be done about the attack on Elliott he said:

"We can't take any action until complaints reach us through the ordinary channels. I have heard nothing of the clubbing and don't know whether it took place or not."

Chief Devery, when asked the same question, said:

"If any person will come forward and make a complaint against any individual policeman for brutality toward any of the negroes arrested during the riots I myself will push the charges and will recommend to the Board that the accused policeman be dismissed."

"As far as using the club upon rioters in the street is concerned," said the Chief, "I will stand for that. That is done under my orders. A policeman doesn't carry his 'billy' to play with nor to wear as a bouquet. He has it to use."

"But I won't stand for any brutality toward a prisoner in the station house if I know about it. It is the business of the police to protect everybody; it doesn't make any difference who or what he is, Chinese, negro, or anything else. And I will cheerfully entertain a complaint on the part of anybody who saw the alleged brutality."

The Chief had been told by a reporter that he himself saw a negro clubbed in the West Thirty-seventh Street Police Station, and that Capt. Cooney personally rescued the man from his policemen, after they had beaten him unmercifully.

"If Capt. Cooney saw that, he will make a report of it to me," said the Chief, "and I will order an investigation. Can you tell me who the policemen were that did the clubbing?"

The reporter said that he tried to keep the one who had used his club in sight for the purpose of making a complaint, but the one he tried to follow got mixed up in the crowd, and he could not pick him out later.

"It would be pretty hard to make a complaint against all the men who were in and out of that station house," said the Chief, "but if you can pick out the men I will see that they are punished."

CAPT. COONEY'S ADMISSION.

Acting Captain Cooney was asked whether he intended to report the assault to higher quarters. He admitted having seen a general attack on the prisoner and admitted having rescued him, but said he saw no one draw a club.

"I had my hands very full just at that moment, but if I had seen an officer misuse his club the man would have been mine and I would have reported him in person within five minutes. I don't believe a club was used at all; why, the man was not cut about the head."

A reporter assured the Acting Captain that a club had been used by one of the men. Capt. Cooney asked the reporter to make a complaint on which to begin action. The reporter made the complaint, stipulating that he did so as a private citizen. Capt. Cooney, with the complainant, then tried to identify the offender by watching the policemen who reported for duty or for dismissal. The offender was not identified and the Captain decided that he must have been some reserve belonging to another precinct and since ordered back to his station.

"Nearly all the men who attacked the negro," he said, "were reserves borrowed from other precincts. I knew but few of them, or I would now be able to formulate charges. For that matter the attack was a general one. I could not tell who did or did not strike the man."

Toward evening Inspector Thompson arrived at the station to take charge in person. He brought with him his personal staff of thirteen detectives, and remained at the station waiting for dark and developments. On his way to the station he saw a crowd collecting in front of the barber's shop at 310 West Thirty-ninth Street. He found a negro, Zeb Robinson, an employe in the shop, suffering from the effects of a blow received in the fight of Wednesday night. Robinson was out of his head and was wildly crying in fear of a mob which he thought was coming after him.

The Inspector summoned an ambulance from Roosevelt Hospital. The patient was later transferred to Bellevue.

CROWDS BEGIN TO COLLECT.

As the night wore on crowds began to collect on the street. Inspector Thompson detailed six men of the bicycle squad to scout up the avenues and report the situation. When the men returned the Inspector hailed a patrol wagon, and taking with him his own staff and a half dozen policemen in plain clothes, drove up Eighth Avenue to Forty-second Street, where he began operations. Wherever there was the least sign of a crowd the detectives went at it clubs in hand.

When the avenue in that neighborhood had been cleared orders were given to pounce on boys who might be hunting for trouble. Nine young men, varying in age from fourteen to nineteen years, were taken to the Thirty-seventh Street Station. Two of them, Edmund Moran, seventeen years old, of 15 Sixth Avenue, and Joseph Doherty, nineteen years old, of 226 East Twenty-sixth Street, were locked up on the charge of disorderly conduct. The others were committed to the care of the Gerry Society.

MANY PRISONERS IN COURT.

Inspector Arraigns Whites—Magistrate Cornell Expresses Satisfaction at Arrests of Such Rioters.

Magistrate Cornell had before him yesterday in the West Side Court an even longer line of prisoners as a result of Thursday night's disturbances than that which confronted him on Thursday morning. Acting Capt. Cooney of the West Thirty-seventh Street Police Station arraigned in person twenty prisoners, only eight of whom were negroes.

Inspector Thompson, with Sergt. Mangin of his staff, arraigned two white men, who were charged by the Inspector with storming an Eighth Avenue car and inciting a crowd to riot and urging them to rescue two white prisoners. Magistrate Cornell expressed his pleasure at having before him white rioters. He said:

"It is a sad commentary upon yesterday's

occurrences that I only had before me one white person—a small boy."

Inspector Thompson's prisoners were held in \$500 to keep the peace for six months. They were Louis Schwartz of 340 West Thirty-ninth Street and Jacob Gumpel of 345 Manhattan Avenue.

Thomas Riley, white, of 205 West Thirty-second Street, arrested by Policeman Mam-mick for flourishing an iron bar, was held in \$1,000 bail for trial.

Vincent Street, a negro, of 319 West Forty-fifth Street, when arrested by Policeman Nolan, had a pistol, a policeman's "billy," a knife, and a razor, and many cartridges. He was fined \$10.

Edward S. Corbin, a negro, who has a cigar stand at 309 West Thirty-seventh Street and a billiard room at 538 Sixth Avenue, was found Thursday night by Policeman Leazenbee of the Bicycle Squad in Thirty-sixth Street, near Seventh Avenue, with his back against a wall, threatening with a pistol a crowd which had been following him. The policeman arrested the negro.

Corbin told the Magistrate that he had bought the pistol to protect himself, and if attacked would have fired.

"I appreciate how you feel about it and would have done as you did," said Magistrate Cornell. "You cannot have your pistol back, but you are discharged."

Albert Johnson of 332 West Thirty-seventh Street, who was badly clubbed Wednesday night, was fined \$10 for carrying a pistol and \$5 for disorderly conduct. Johnson said he was clubbed by every policeman he met.

Robert Myrick, a porter in the Exchange Hotel, Forty-ninth Street and Broadway, who was mobbed while riding in an Eighth Avenue car, was discharged.

Nettie Threewells, a stepdaughter of Lloyd Lee, the negro sailor who stabbed Policeman Kennedy, into whose arms Lee fell after he was shot, was discharged by Magistrate Cornell upon her agreement to appear in court as a witness when wanted.

Sol Russell Wright of 125 West Twenty-second Street, a negro, was arraigned before Magistrate Hogan in Jefferson Market Court yesterday charged with flourishing a long knife Thursday night. Policemen Kenny and Rourke of the West Thirtieth Street Station were standing at Seventh Avenue and Twenty-seventh Street Thursday night, when they saw Wright. He was at once arrested.

In court he told Magistrate Hogan that he was innocent of any wrong-doing, and that he was merely sharpening a pencil. The Magistrate held him in \$500 to keep the peace for two months.

After his case had been concluded, Magistrate Hogan said:

"I have fined white men who carry weapons during this trouble, and I will fine you negroes as well, if you carry them. I think that one of the main causes of all the trouble is that the many negroes who live on money supplied by women are acting so independently and are so dangerous that they incite the rest of their race to riot."

POLICEMAN POWERS FINED.

Formal Charges Also Preferred to the Board Against the Man Who Arrested a Child.

William A. Powers, the policeman who came into notoriety some time ago when he arrested a little girl for picking flowers in Stuyvesant Park, and who, in his three years on the force, has been fined nineteen days' pay, has been complained of eleven times for using improper language and threatening to use his revolver, will probably have to stand trial before the Police Board. Powers was locked up in the West Thirty-seventh Street Station on Thursday night after a severe lecture from Chief Devery. He was arraigned in the West Side Court yesterday, charged by Policeman Howard of the Charles Street Station with being intoxicated and flourishing a revolver. Magistrate Cornell fined him \$10.

Formal charges were made yesterday afternoon against Powers by Sergt. James F. Thompson of the Mercer Street Station, to which Powers was attached, and Acting Capt. Cooney of the West Thirty-seventh Street Station, the latter acting as complaining witness. The report was placed on file with the complaint clerk, but must go to President York, Chairman of the Committee on Rules and Discipline, for his approval.

Two specifications are contained in the charges. The first one alleges that Powers was acting in a disorderly manner at 11 o'clock Thursday night at the corner of Thirty-seventh Street and Eighth Avenue. Powers was ordered to move away, but refused, and when Policeman Howard insisted displayed his revolver.

Half an hour later, the report states, Acting Captain Cooney was sitting in his station house, when Powers came in and complained that he had been assaulted by a policeman. This story he told to Sergt. Ryan. Capt. Cooney recognized the policeman and ordered his immediate arrest. Chief Devery, who was also in the station house, at once suspended Powers without pay. Police Surgeon Nesbit was summoned and stated that Powers had been drinking.

Capt. Cooney and Policeman Howard, in the police court, said they ordered Powers to move on, but that he would not do it. Capt. Cooney said the policeman was inciting the rioters to further disturbances. Howard tried to make him go, and he says Powers drew his revolver and aimed it at him, but he (Howard) thrust the weapon aside with one hand, one of his fingers being caught by the trigger. Then he made him move away.

Magistrate Cornell was vexed because Howard had not arrested the policeman sooner. He said:

"You failed to arrest him because he was a policeman. When he was inciting riot, why did you not arrest him at once? You are entirely mistaken if you understand the law to mean that a policeman may incite riot and not be arrested."

Turning to Powers, he said: "I believe you were disorderly and flourished a pistol. I'll treat you like any other disorderly person and fine you."

Powers had a big lump on his head. Blood had stained his clothing around his neck. He claimed to have been brutally beaten by his fellow-policemen. He paid the fine.

THORPE'S FIANCEE VERY ILL.

News of the Policeman's Death Nearly Killed the Girl.

Prostrated by the experiences of the last few days, Lizzie Murray, who was to be the wife of Robert J. Thorpe, the policeman killed by Harris, the negro, lies dangerously ill at the home of her sister, Mrs. W. A. Crosby, 543 Ninth Avenue.

Miss Murray had been engaged to Thorpe for some time, but the engagement was announced only a few weeks ago, when Miss Murray and Mrs. Crosby, together with Thorpe, spent a brief vacation in the Catskills. The wedding was to have taken place at St. Raphael's Church, at Fortieth Street and Tenth Avenue, in September. All preparations were under way when Thorpe was killed. When told that he was dead, the girl was completely prostrated. She recovered sufficiently, however, to attend the funeral on Thursday, but afterward she had a relapse, and the physician who was in constant attendance feared that she would die. Yesterday afternoon she was slightly improved.

MOB SET ON WOUNDED MAN.

Bleeding Intended Victim, Mistaken for a Negro, Rescued by Policemen.

Joseph Riley, a boss carpenter living at 1,175 Madison Avenue, last night entered the Hotel Cadillan and behaved in such a disorderly manner that the clerk ordered him to leave the place. Riley declined to go, and Porter Joseph T. Murphy of 421 West Forty-fifth Street was ordered to eject him. Murphy, who thinks nothing of carrying heavy trunks, started at Riley as if he thought he had an easy task.

The carpenter was in a fighting mood, and when Murphy caught hold of him there was a spirited struggle. The men fought from the hotel into the street, and a crowd gathered. Riley finally got a rat-tail file out of his pocket and stabbed the porter in the neck, back of the ear. An artery was severed, and Murphy was covered with blood in a minute. A man in the crowd yelled that one of the Cadillac negro employes was being beaten and called on the crowd to aid in beating him. The crowd appeared to be willing to take a hand, when Policemen Walsh, Deckley, and Gibson appeared. They clubbed right and left and rescued Murphy, who was almost helpless from loss of blood. The injured man was taken to Roosevelt Hospital. Riley was arrested.