

# "Boots" New Story Damaging to Moss

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gered across the room and grasped my arm. He said: "Let's get out of here."

"Did Moss take anything when he left Peirce's apartments?" asked the prosecutor.

"Yes, he took a bottle of liquor."

"Where did you go?"

"To my apartment at 2040 Walnut street."

"What did you do?"

"When we got in the room, I turned to lock the door. Moss said: 'Don't lock that door, it looks suspicious. Take your shirt off and get in bed. If any one comes up to question you, you must say you haven't been outside of your apartment tonight, and you must tell them Treadway has gone to get you some medicine.'"

"I took off my shirt and got in bed, and Moss sat on the foot of the bed drinking the whiskey. He had been here some time when the bell rang and Treadway and Elliott came in. Treadway said: 'Come on and get ready, we've got to go away.'"

"I said: 'What do you mean, go away?' He said: 'We've got to go. I don't ask you many questions. So I got dressed and we left the house. We went to Camden.'"

"Where else did you go?"

"We stopped at Eighth and Spruce to get Elliott's clothes."

"What did you do in Camden?"

"As soon as we got in Camden, Treadway and Moss got out of the car. Moss came back with two bags and there was a woman with him. Moss was trying to force her to get in the car, but she broke away and ran to her house."

"Judge Audenried asked: 'Did you have any bags when you left 2040 Walnut street?' Yes, sir, we had Mr. Peirce's bags."

"When you got back from Camden where did you go?" asked the prosecutor.

"We picked up Elliott and then we went on to Baltimore."

"Did you have any conversation with Moss on the way to Baltimore?" Yes, sir.

"What did you talk about?"

"Moss was drunk and was putting on the back

of my coat. I complained to Treadway and he said: 'Don't worry, Moss is all right. What else was said?' Moss or some one else said: 'You're just the one we're looking for; you killed Peirce.'"

"What happened when you got to Baltimore?"

"I don't know what house it was we went to, but it was a friend of Moss'."

"Did Moss take you there?" asked Judge Audenried.

"Yes, sir."

"Who paid for the gas?" asked Mr. Speiser.

"Treadway."

**Hung On to His Money**

"What did Moss do with his money?"

"Hung on to it." This answer created a laugh. He spent some of it for something to eat," she added.

"Did you know him as Joe Moss?"

"No. They called him Jack, and I knew him as Jack and Art."

**What happened in Wheeling?**

"We all went to a hotel. Treadway and I had one room and Moss and Elliott the other. We stayed all night and Elliott got up at 5 o'clock in the morning and went out and got the papers and came back and told Treadway and myself Peirce's body had been found and we got to hear it."

"Was Moss in the room?"

"No, sir."

"Where did you see him next?"

"In City Hall here."

"What did Moss do with the whiskey he took from Peirce's room?"

"Drank it."

"Be the way, did Moss tell you anything besides telling you to say 'Treadway was after medicine that night'?"

"No, he did not."

"When Elliott first had Peirce what did Moss do?"

"He said: 'Come on, let's get out of here.'"

"Did you scream?"

"No, sir. I was going to when Treadway and Moss said: 'don't make a sound.'"

"Did he say anything to you on the way back to 2040 Walnut?"

"I could hardly walk. Moss took hold of my arm and said: 'why the hell did Treadway bring you here?' It could have been done without you."

"Any other conversation with him?"

"He told me not to have anything to say. When we got in my room, he wouldn't let me talk out loud. He made me talk

in whispers. Treadway and Elliott were gone so long that Moss began to fear that something had happened to them; that they had been arrested, and asked me if I knew any place we could go. Moss told me to be sure and say if I was questioned that Treadway had left the room at 9 o'clock. I said that was foolish, because he couldn't be gone so long as it was then nearly two."

"Did you notice whether Moss was drunk when you were walking with him to the apartment?"

"He staggered a bit, but he knew enough to tell me to say I hadn't been out of my room."

"Mr. Speiser then asked Sue: 'What was said to you, or what was the conversation in the car going down to Baltimore?'"

"There was no special conversation," she replied. "Elliott said to us: 'he was the hardest — to kill I ever saw.'"

"And what did Treadway say?"

"Treadway laughed and agreed."

"Did Moss ever turn to Treadway and ask if it were true that you killed Peirce?"

"Yes, sir."

"Well, how did he say it?"

"Why, sure, was what Treadway said."

"Now, one suitcase was lost and one was discarded, continued Mr. Speiser. Which was discarded?"

"Elliott's suitcase, which had some clothing in it."

**Moss Was Drunk**

"The car was hauled to Cumberland, wasn't it?"

"Yes, sir."

"Well, who did the hauling?"

"Elliott and Treadway."

"Where was Moss?"

"Oh, he was in the car. He was too drunk to get out."

"When you got to Baltimore, who hired the room?"

"Elliott and Moss."

"Under what name?"

"That I could not say. I do not remember."

"Mr. Speiser then turned Sue over for cross examination."

"Mr. Stevenson then questioned the girl."

"You told us Moss was drunk, didn't you?"

"Yes, sir."

"He was still intoxicated when he got to 2040, wasn't he?"

"Yes, sir."

"When did this drunk cease?"

couldn't say. "I believe it was in Cumberland."

"Now, when you went out to Fifty-third and Market streets, Moss was so drunk he was singing songs, wasn't he?"

"Yes, sir."

Here Mr. Speiser interrupted.

"You do not have to be drunk to sing songs, Mr. Stevenson."

"At that hour in the morning you do, Mr. Speiser," was the retort.

Mr. Stevenson continued: "Moss had a quart when he came from Mr. Peirce's, didn't he?"

"Yes, sir."

"But you do not know he got it there, do you?"

"No, sir."

**Another Little Drink**

"Now, when you got to Baltimore, and went to Mr. Pohlson's, he insisted on Moss taking a drink, didn't he?"

"Yes, sir."

"Treadway went with Moss down in the car and came back with him, didn't he?"

"Yes, sir."

"Mrs. Rogers, when you went away from 2040 and left Elliott on Spruce street, he was alone, wasn't he?"

"Yes, sir."

"Was Moss ever separated from Treadway?"

"No, sir."

"Moss was very noisy, wasn't he?"

"Yes, sir."

Mr. Speiser then asked a few more questions.

"Was Moss drunk at 2040 Market street?"

"I never saw him sober."

"Moss never told you how to protect Treadway, did he?"

"No, sir."

Mr. Stevenson then had a new thought.

"You saw one blow struck?" he asked Sue.

"Yes, sir."

"That was on the head, wasn't it?"

"Yes, sir."

"As far as you know, he was still standing when you left?"

"Yes, sir."

Sue then left the stand at 12:30 o'clock.

**Camden Woman on Stand**

Then Mrs. John Robbins, of 230 North Tenth street, Camden, took the stand. She rented a room to Moss during his stay here.

"You know Moss, don't you?" asked Mr. Speiser.

"Yes, sir."

"How long have you known him?"

"Three years."

"Did he come home on Saturday night?"

"No, sir, it was early Sunday morning."

"Well, tell us what happened."

"I was upstairs partly dressed when I heard a noise downstairs and saw the lights on. I called don. Is that you, Moss?"

"He said: 'Yes.' He was very drunk. He told me to get his grip ready that he was going away; that a man had been killed, and his car was parked around the corner. Treadway said something about blood on his coat. Moss had a quart of liquor, which he took out and tried to put in Treadway's bag."

"Treadway said: 'Don't do that, it will spill. Put it in your pocket, you may need it before we go very far.' Moss wanted me to come with him, and to keep him quiet I slipped on a coat and ran across the street. They were making too much noise, and I thought they would wake the family. He hung on my arm to steady himself. Moss did not try to force me into the car."

When he got in, I turned around and went home."

The next called to the stand was Peter Pohlson, of 2316 Pennsylvania avenue, Baltimore. He spoke broken English.

"Do you know Moss?" Mr. Speiser asked.

"Yes, sir."

"What time did he come to your house?"

"He came about 8 or 9 o'clock Sunday morning. He was pretty well 'piddled up.'"

"Well, what did you say to him?"

"I said: 'Come on in.' They brought out a bottle, and we all drank."

"Did Moss introduce the people?"

"Yes, sir."

"Under what names?"

"One was Smith, I don't recall the names of the others. Moss was too piddled-up to introduce them."

"Then what happened?"

**Wife Appears, Party Stops**

"Then my wife came down and we had to get out."

"Where did you go?"

"We took them over to Mrs. Benjamin's."

"What happened then?"

"I don't remember much. There was some good stuff there, and I went to sleep."

"He was then cross-examined. 'You had something to drink, didn't you, Mr. Pohlson?' asked Mr. Stevenson. 'Yes, sir, I had a drink.'"

"Do you know how many drinks you had?"

"No, sir, I had enough to last me for three or four days. I went to sleep."

Mrs. Amanda Benjamin, of 2328 Pennsylvania avenue, Baltimore, was the next witness. Mr. Speiser asked: "Was Moss there?"

"Yes, sir. Moss was there and

they were all together on the second floor."

"You didn't know any of them, did you?"

"No, sir; that is, I know Moss."

"Oh, he only came there some time before to see about getting a room."

"How were they introduced?"

"Mrs. Rogers, or 'Boots,' and Treadway were introduced as Mr. and Mrs. Peirce. Treadway showed me Peirce's automobile license card."

A diamond pin of Peirce's was shown her, and she was asked whether Moss tried to sell it to her. She replied: "No, sir, Treadway did."

It was brought out in testimony she gave during the Treadway trial that Moss was the one who had tried to sell the pin.

**Mistake, Says Woman Witness**

When it was shown her that she had said this in the previous trial, she said she ought to know what she was talking about, and that she had never said Moss tried to sell it. It was all a mistake, she insisted.

Mrs. Benjamin explained that she had looked through the bags of her guests, and had found in one a quart of whisky. Then she left the stand, without further questioning.

# Maloney Sentenced in Fifth Ward Case

Continued from Page One

over from New York there was no intention of murder. Knowing that your honor is always a temperate man, both in and out of the judicial chair, I ask that you free Maloney."

District Attorney Rotan, addressing the court, said:

"If the court please, I agree with Mr. Scott in that Mr. Maloney did not bring me here to commit murder. Had Mr. Maloney not made a witness of me, Mr. Maloney has been most valuable to the commonwealth. He has been a witness in at least twenty cases of defendants connected with the Fifth ward case."

"Therefore I ask your honor to appreciate the work that Maloney has done, but at the same time I ask that he be punished. I do not want him to receive the maximum penalty which was given the gunman, twenty years, but rather the minimum, six months, which Sullivan got. I want you to realize that we owe Mr. Maloney a great deal. I ask your honor to take all these things into consideration."

The verdict of guilty returned against Maloney last month was read by Miss Hettie Greninger, the twenty-two-year-old foreman of the jury.

District Attorney Rotan, after the imposition of sentence, said he was well satisfied with the results of the Fifth ward prosecutions. Of nineteen defendants tried, he said, seventeen were convicted.

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