

TESTIMONY OF AUGUST KENSLER.

The witness was duly sworn by the Chairman.

The Chairman. Your name is August Kensler?

Mr. Kensler. Yes, sir.

The Chairman. What is your employment.

Mr. Kensler. Quartermaster.

The Chairman. At Carlisle Indian School.

Mr. Kensler. Yes, sir.

The Chairman. How long have you been so employed there?

Mr. Kensler. I have been there since the first of July, 1882---- store-keeper and quartermaster.

The Chairman. What is your age?

Mr. Kensler. Seventy.

The Chairman. How long have you been in the Indian Service?

Mr. Kensler. Since the first of July, 1882.

The Chairman. You have charge of the goods and supplies?

Mr. Kensler. Yes, sir.

The Chairman. And what else?

Mr. Kensler. And shops.

The Chairman. Did you have charge of the sales of Government property?

Mr. Kensler. Government property, yes, sir.

The Chairman. Do you know how the proceeds of the sales of Government property have been accounted, since you have been there?

Mr. Kensler. They have been all turned in to the chief

clerk or whoever is, you know, with the exception of a lot of furniture, which was bought by Mr. Friedman and paid for out of the money received from sales of rags and old iron.

Corbett follows Ragsdale 11.40

Aff.
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orbett
fols
Ragsdale
11:40
2010

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The Chairman: What fund did that money belong to?

Mr. Kensler: The class 1 fund.

The Chairman: And that should have gone into the United States Treasury?

Mr. Kensler: Yes.

The Chairman: You say the most of that furniture was paid for out of Class 1 fund?

Mr. Kensler: \$270.

The Chairman: From whom was that furniture purchased?

Mr. Kensler: From the different parties in town.

The Chairman: Various furniture dealers?

Mr. Kensler: Yes.

The Chairman: Do you know their names? Some of them?

Mr. Kensler: Yes, sir.

The Chairman: Give their names. If you have a statement of the furniture I would like to have it.

Mr. Kensler: Here it is, sir. (Handing papers to the Chairman.)

The Chairman: The witness here presents what purports to be an itemized list of the furniture, with what purports to be receipts for the bills and attaches the same to his testimony as a part thereof.

(The itemized statement and attached receipted bills are as follows:)

Take up on Mr. Friedman property reference, supplementary, as follows:

1 Extension table)	
7 Chairs dining)	\$46.00
1 " Arm)	
1 " upholstered		10.00
1 " " rocker		8.50
1 " oak "		4.75
1 Parlor suite - 3 pieces		39.00
2 Chairs - parlor		17.00
1 Turkish leather R.		35.00
1 Oak frame "		15.00
1 Arm chair "		6.00
1 Davenport		37.50
1 Rocker		2.75
1 Table		3.00
3 " porch		12.75
3 Rockers porch		8.25
1 Cabinet		4.00
1 Refrigerator		<u>29.50</u>
		\$270.00

LARGEST ASSORTMENT
LOWEST PRICES

Carlisle, Pa., 5/26, 1908.

Indian Training School by

Moses Friedman,

Supt.

To H. L. SHAPLEY, Dr.

-----DEALER IN-----

FURNITURE, BEDDING, ETC.

ESTABLISHED 1850.

=====

To Parlor Suit 3 p'c's	39.
" Upholstered Green Chair	10.
" Rocker Gr' Uph'	8.50
" Oak Rocker	<u>4.75</u>
	\$62.25

Mr. Friedman

Please examine if this is o.k.

Resp.

A. Kensler.

Paid

H. L. Shapley

6/1/08

IF THIS BILL IS INCORRECT RETURN AT ONCE FOR CORRECTION.

Carlisle, Pa., June 1st, 1908.

Carlisle Industrial School,

Moses Friedman.

 DEALER IN)
 ALL KINDS)
 OF :: ::)
 FURNITURE.)

Bought of M. A. Sierer,

No. 139 North

Home Telephone No. 173

Hanover Street.

=====

Dining Room Suit

consisting of

1 Pedestal extension table)	
7 Leather seat diners)	\$46.00
1 " " arm)	

June 10th

Rec'd payment in full

M. A. Sierer.

IF THIS BILL IS INCORRECT RETURN AT ONCE FOR
CORRECTION.

Carlisle, Pa., Nov. 19, 1908.

Supt. M. Friedman.

 Bought of M. A. SIERER,
 DEALER IN)
 ALL KINDS)
 OF :: ::)
 FURNITURE) Home Telephone No. 173. * Hanover Street.

2 Roman chairs	\$17.00
1 Turkish Leather R-	35.00
1 Oak frame " "	15.00
1 Reed arm chair	<u>6.00</u>
	\$73.00

Dec. 5th \$73.00

Pd. in full

M. A. Sierer.

IF THIS BILL IS INCORRECT RETURN AT ONCE FOR CORRECTION.

Carlisle, Pa., Feb. 20, 1909.

Carlisle Indian Industrial School.

 DEALER IN)
 ALL KINDS)
 OF :: ::)
 FURNITURE)

Bought of M. A. SIERER,

No. 139 North

Hanover Street

Home Telephone No. 173

 1 Leather upholstered Davenport \$37.50

Recd. Payment

M. A. Sierer

Pr. Jacobs

IF THIS BILL IS INCORRECT RETURN AT ONCE FOR CORRECTION.

Carlisle, Pa., Oct. 12, 1909.

Mr. M. Friedman,

Bought of M. A. SIERER,

 DEALER IN)
 ALL KINDS)
 OF :: ::)
 FURNITURE.)

No. 139 North
 Hanover Street.

Home Telephone No. 173.

 Aug. 16th '09.

3 Porch tables @ 4.25 \$12.75

Aug.

27th 1 Porch Rocker	3.25
1 " "	3.50
1 " "	1.50
1 Cabinet Special	<u>4.00</u>
	\$25.00

Recd. Payment

M. A. Sierer,

Pr. Jacobs.

IF THIS BILL IS INCORRECT RETURN AT ONCE FOR CORRECTION.

Carlisle, Pa., Mar. 29, 1909.

Mr. Moses Friedman,

Bought of M. A. SIERER,

DEALER IN)
ALL KINDS)
OF :: ::)
FURNITURE.)

No. 139 North
Hanover Street.

Home Telephone No. 173.

1 Rattan Rocker \$2.75

In Residence of

Mr. Friedman.

Table 3.00
5.75

Recd. Payment

M. A. Sierer,

Pr. J.

----CARLISLE STOVE HOUSE----
ESTABLISHED 1864

Carlisle, Pa., 7/15, 1910.

Mr. August Kinsler,

Bought of G. W. RINESMITH'S SONS,

----DEALERS IN----

STOVES, RANGES AND FURNACES

114 N. Hanover Street.

Roofing and Spouting.

Tinware and House Furnishing Goods.

July 11 - 1 Refrigerator 29.50

Sold to Mr. Friedman.

Paid

G. W. Rinesmigh's Sons,

7/15/10.

The Chairman: The total amount of this furniture appears to be \$270. Who paid for the furniture?

Mr. Kensler: I paid for the furniture.

The Chairman: How did you come to do that?

Mr. Kensler: When I wanted to turn in money at the office he says, "Here is some bills here. I have been buying some furniture here; there is very little furniture in the house." "Well," I says, "I don't know about that." "Oh," he says, "that will be all right. When I leave that furniture will remain here just the same. There will be no trouble about it."

The Chairman: Who said that?

Mr. Kensler: Mr. Friedman, the Superintendent.

The Chairman: When you wanted to turn the money in, Superintendent Friedman presented these bills?

Mr. Kensler: Presented some of the bills, yes.

The Chairman: Some of the bills?

Mr. Kensler: Yes; you know they were not all bought at one time.

The Chairman: And you objected to paying them? Or you questioned it?

Mr. Kensler: Questioned it; that is the only thing I did. Well, it was all right, he says. I knew he had no furniture except one room furniture, for that large house. I did not know hardly what to say to him. I says, "I don't know about that." "Oh," he says, "that will be all right. When I leave that furniture will remain right here."

The Chairman: What accounting was made of that \$270 paid for Mr. Friedman's furniture in the way you have stated?

Mr. Kensler: What accounting?

The Chairman: Yes.

Mr. Kensler: No accounting at all, except what bills you have.

The Chairman: It was never entered upon the books at the school?

Mr. Kensler: No, sir.

The Chairman: Nor paid into the Treasury of the United States?

Mr. Kensler: No, sir.

The Chairman: But was paid out of these bills, and no account kept of it?

Mr. Kensler: No account, except what you have there.

Senator Lane: That would complicate the accounting of your receipts? You made no accounting of your receipts to the Government of these moneys which were expended for this?

Mr. Kensler: No, sir; it would not complicate anything, because the money was not turned in, you see.

The Chairman: How were these bills paid?

Mr. Kensler: By cash.

The Chairman: Receipts were taken and you attached them?

Mr. Kensler: Yes.

The Chairman: Did you pay these bills with your own hand and take the receipts?

Mr. Kensler: I paid these bills myself, with my own hand.

The Chairman: Did you take up the property thus bought on the Government property returns?

Mr. Kensler: You mean this here?

The Chairman: Yes. That was taken up by the clerk, as I understand, on the last property return Mr. Friedman made?

Mr. Kensler: Yes.

The Chairman: When?

Mr. Kensler: That was about a month or ago or so.

The Chairman: Since the Joint Commission was over there?

Mr. Kensler: I think it is; yes, sir. I am pretty sure.

The Chairman: I see one bill here, receipted, under date of May 26, 1908 for \$62.25 from H. L. Shapley, dealer in furniture and bedding; another receipt for \$46, under date of June 12, 1908, from M. A. Sierer; a second for \$73 under date of November 19, 1908, from the same person; a third from Sierer under date of February 20, 1909, for \$37.50; a fourth from the same dealer under date of October 12, 1909, for \$25; a fifth under date of March 29, 1909, for \$5.75; and another bill for \$29.50, receipted by G. W. Rinesmith's Sons, dealers in stoves, ranges and furnaces, under date of July 15, 1910.

Do these bills and receipts correctly represent the dates upon which they were paid?

Mr. Kensler: On which they were paid; yes, sir.

The Chairman: These items were ~~never~~ taken up on the Government property return until about a month ago?

Mr. Kensler: No, sir.

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The Chairman: Do you know how they came to be taken up then? At whose instance were they put on the property returns of the Government?

Mr. Kensler: Why, Mr. Friedman then talked about going away, and I sent word up. I said that this property must be taken up now. Then he directed that it be taken up.

The Chairman: That was done at your instance?

Mr. Kensler: Yes, sir.

The Chairman: Why was it not taken up at the time or about the time of the transactions?

Mr. Kensler: It should have been, if the money had been taken up, which it ought to have been. Otherwise I don't see how it would work out very well. It did look funny to me too, I assure you. That has worried me more than enough.

The Chairman: As a matter of fact, you knew that the transaction was improper, Mr. Kensler?

Mr. Kensler: I did, sir. I felt it all the time, that it ought to be done right at first.

The Chairman: Of course, you had no authority, and there was no authority, to expend that money for any purpose?

Mr. Kensler: No. To verify my statement, I leave it to this man here (indicating Mr. Hori). I said some time shortly after that, I says, "I am paying for some furniture for Mr. Friedman; I don't like that." Didn't I? (No response.)

The Chairman: You may just make your own statement, you know. Now, do you remember another transaction relating to the proceeds of the sale of some bags? I believe they were cement bags.

Mr. Kensler: Yes, sir; I do.

The Chairman: Do you know about when that transaction occurred?

Mr. Kensler: Well, that was bags that we had from Bixler & Sons, and I spoke to him again about that. "Well," he says, "it is very often you need things we haven't got here in stock, and it is a mighty nice thing to have it so you can just send on for it, such as locks, etc., which we needed considerable of." I said, "All right then, if that is your orders" ---

The Chairman: Do you know the amount of those purchases?

Mr. Kensler: I don't know the exact amount.

The Chairman: Have you the receipts for them?

Mr. Kensler: No, I have not, because the balance of it also was taken up. It was \$176 taken up on the last account current.

The Chairman: On the property accounting to the Government?

Mr. Kensler: On the account current to the Government.

The Chairman: When did the transaction actually occur? When was the money actually expended and the property bought?

Mr. Kensler: You mean the sacks?

The Chairman: Yes.

Mr. Kensler: That was from time to time; we were dealing with those people in purchasing cement.

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The Chairman: Give me about the years.

Mr. Kensler: I could not very well say that, but anyway it is in the last three years.

The Chairman: Within the last three years?

Mr. Kensler: Yes, sir.

Senator Lane: You would save up these moneys, and then use them to purchase supplies ---

Mr. Kensler: No, I never took the money out of the firm's hands; never. They checked up against it. I sent a regular request down on our request blanks, and checked on that blank to credit account.

The Chairman: What would you purchase?

Mr. Kensler: Locks, or whatever they needed around the shops.

Senator Lane: Something that was used there on the

premises for the benefit of the school?

Mr. Kensler: Yes.

The Chairman: That was property, Class 1, just the same as the other?

Mr. Kensler: Yes, sir.

The Chairman: And should have gone into the Treasury of the United States. But, if I understand you correctly, at the direction of the Superintendent it was used for the purchase of articles there at the school?

Mr. Kensler: Yes, sir.

The Chairman: What ~~was~~ ^{was} the total amount of it, if you remember?

Mr. Kensler: The total amount of the purchases?

The Chairman: Yes.

Mr. Kensler: I should think between \$40 and \$50.

The Chairman: What was the total amount of sales of the sacks?

Mr. Kensler: Well, the balance of the money received for the sacks was \$176.

The Chairman: What was done with that?

Mr. Kensler: It was turned into the Treasury, I presume. I sent the check up any way.

The Chairman: When?

Mr. Kensler: That is on the last account current.

The Chairman: About when was it?

Mr. Kensler: Oh, it is about the 15th of February.

The Chairman: Of this year?

Mr. Kensler: Yes.

The Chairman: Since the Joint Commission and Mr. Linnen were over there?

Mr. Kensler: Yes, sir.

The Chairman: Do you know how that came to be done?

Mr. Kensler: Well, I wanted to do that long ago but he put it off all the time, and he says, "There is no hurry about it."

The Chairman: Who had that balance of \$170?

Mr. Kensler: The firm.

The Chairman: What firm?

Mr. Kensler: Bixler & Sons. We never handled a dollar of it.

The Chairman: They are in Carlisle?

Mr. Kensler: In Carlisle, yes.

The Chairman: As a matter of fact, ^{the} proceeds of those sacks, amounting to \$220 or \$225, never came into your hands at all?

Mr. Kensler: No, sir.

The Chairman: But was retained there in the hands of a local dealer in Carlisle?

Mr. Kensler: Yes, sir.

The Chairman: And part of it used for the purchase of tools and supplies there at the school, and the remainder kept until since the investigation began, and then was turned into the Treasury?

Mr. Kensler: Yes, sir.

The Chairman: The whole sum ^{was} not turned into the Treasury, I assume, or was it? Do you know what amount was turned into the Treasury on account of the proceeds of those sacks?

Mr. Kensler: \$176, I think.

The Chairman. By whom?

Mr. Kensler. By the firm; I sent the check up.

The Chairman. To the Treasury?

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Mr. Kensler. No; to Mr. Friedman.

The Chairman. Was the check payable to Mr. Friedman?

Mr. Kensler. Yes, the superintendent.

The Chairman. Did you see the check yourself?

Mr. Kensler. No, I did not.

The Chairman. How do you know that was done then?

Mr. Kensler. That I could not say now.

The Chairman. It is not within your personal knowledge?

Mr. Kensler. No, sir; I didn't handle any cash payments.

The Chairman. Do you know of any other property that was disposed of there, Mr. Kensler, the proceeds of which should have gone into the Treasury that was not paid into the Treasury?

Mr. Kensler. No, sir.

The Chairman. Can you state whether or not ~~whether~~ there were any other funds of that kind?

Mr. Kensler. None but was turned in.

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The Chairman. Does anyone else want to ask any questions?

Senator Townsend. This furniture that was bought for him, is that in the house?

Mr. Kensler. It is in the house yet, yes, sir.

Senator Townsend. Is it all there?

Mr. Kensler. Supposed to be all there, and no doubt it is too.

Senator Townsend. Do you know of any case where Mr. Friedman himself personally got any advantage of the money?

Mr. Kensler. I do not.

Senator Townsend. The holding of the money due the Government in the hands of that firm, was that doing Mr. Friedman any good?

Mr. Kensler. Not a bit.

Senator Townsend. He was getting nothing out of that?

Mr. Kensler. Not a thing.

Senator Townsend. What was there wrong about that?

Mr. Kensler. There was this much wrong, as the Chairman says: It should have been turned in right off when the sacks were sold.

Senator Townsend. But it was not used by the superintendent?

Mr. Kensler. No; not a thing came up to his house.

Senator Townsend. Was there any furniture in the house?

Mr. Kensler. When he came there?

Senator Townsend. Yes.

Mr. Kensler. No more than one employe's furniture — one room.

The Chairman. As a matter of fact, the Government allows a certain amount for the furnishing of those buildings, does it not? And this was in excess of that?

Mr. Kensler. Oh, yes, sir; this was all in excess.

The Chairman. You knew, and Mr. Friedman knew, as a matter of fact, that he had no right to divert that money from the Treasury of the United States to buy furniture for his own use?

Mr. Kensler. His reasons, as I am telling you — he intimated he did not have the money to furnish the house,

but, he says, "It will be all right." He says, "I will leave every bit of it here."

The Chairman. In any event, the Government should have been credited with the property if it was bought for the Government?

Mr. Kensler. I know, but there was this trouble about it, The money should have been turned in first, and then authority asked to expend it.

The Chairman. Certainly.

Mr. Kensler. And I wanted to have that.

The Chairman. As a matter of fact, there never was any intention to account to the Government for either that furniture or the money until this investigation was begun?

Mr. Kensler. Yes; according to his statement, it was the intention, as soon as he left Carlisle. That is what he said to me; that is the excuse he made. "As soon as I am relieved as superintendent" or "When I leave this house, I will leave all that furniture there."

The Chairman. Yes, but that is not what I am asking. As a matter of fact, this \$270 fund that should have gone into the Treasury, and which no one had a right to touch, would never have been accounted for; the property would have been left there, but it would not have been accounted for unless through fear of exposure? Well, that is a matter of argument.

Senator Lane. The fact is this: In the first place, they had no authority to retain the money at all. It was their duty to turn it into the Treasury. In the second place, they had no authority to buy the furniture without getting the permission of the officials here. They committed two wrongs there.

Representative Carter. And in the third place, no accounting was contemplated at all.

Senator Lane. No.

Senator Townsend. You paid for these goods, didn't you?

Mr. Kensler. Yes.

Senator Townsend. You paid for them as a Government official?

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Mr. Kensler. Yes.

Senator Townsend. What kind of entry did you make in your books?

Mr. Kensler. I have the receipts there.

Senator Townsend. Didn't you make any entry except those receipts?

Mr. Kensler. These I held intact, because, I said, when he leaves, or if I leave before he leaves, I will turn these receipts over to the party that is my successor.

Senator Townsend. Did you pay for the goods?

Mr. Kensler. I didn't buy it; he bought it.

Senator Townsend. You paid for it?

Mr. Kensler. I paid for it.

Senator Townsend. You paid for the property, and you knew that it belonged to the Government or else you would not have paid for it?

Mr. Kensler. Yes, that is right.

Senator Townsend. That is what I understand. I am not excusing the proposition that this money was not properly turned over in the first place, but I see the other view.

The Chairman. When Mr. Lipps came there after Mr. Fried-

man was suspended, do you know whether there was a checking up of the Government property?

Mr. Kensler. Yes, sir.

The Chairman. Did you assist in doing it?

Mr. Kensler. Yes.

The Chairman. Do you know whether or not there was other property found there which had not theretofore been taken up by the Government which was then taken up on the Government property list?

Mr. Kensler. Yes, sir; there was quite a lot.

The Chairman. How much?

Mr. Kensler. That is partly the fault of mine when it comes down to it. I had no way of taking an inventory for years, being all by myself. There was some wagons there — two mail carts and a herdic wagon — and a horse. That all came in during General Pratt's time. During his time he purchased a great deal of that stuff out of the athletic funds, you know — or the "charity" fund rather, speaking more plainly.

Representative Carter. What was the charity fund?

Mr. Kensler. Oh, quite a charity fund, you know. They used to go around collecting money from citizens outside — that is, in the different cities.

Representative Carter. For the support of the school?

Mr. Kensler. For the support of the school.

Representative Carter. They do not do that any more?

Mr. Kensler. No, that was done away with.

(Thereupon at 12 o'clock M, the Joint Commission proceeded to the consideration of other business.)