

**START**

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**CASE**

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COURT OF GENERAL SESSIONS OF THE PEACE,  
CITY AND COUNTY OF NEW YORK,  
PART II.

-----x  
THE PEOPLE :  
vs. : Before  
PEARL DEHONEY. : Hon. Joseph E. Neuberger  
and a Jury.  
-----x

Tried, New York, March 19, 1900.

Indicted for GRAND LARCENY IN THE FIRST DEGREE.

Indictment filed October 5th, 1899.

APPEARANCES:

Assistant District Attorney Robert Townsend, for the People;  
Hugh Coleman, Esq., for the defence.

Frank S. Beard,

Official Stenographer.

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The Jury having been examined, empanelled and sworn, Assistant District Attorney Townsend opens the case for the People.

THE PEOPLE'S CASE.

THEOBALD WENDLING, a witness called on behalf of the People, being duly sworn and examined through the Official Interpreter Gustave St Albe, testified as follows:

MR. COLEMAN: I will ask that all the witnesses be requested to retire from the court room except those on the witness stand.

THE COURT: Yes.

Direct Examination:

BY MR. TOWNSEND:

Q Where do you live, Mr. Wendling?

MR. COLEMAN: He speaks English very good.

THE COURT: No, he does not appear to.

A 233 East Eighteenth street.

BY MR. TOWNSEND:

Q And what is your business?

MR. COLEMAN: Pardon me. I insist that the witness speaks English pretty good.

BY THE COURT:

Q Do you understand and speak English? A No, I don't.

your Honor.

MR. COLEMAN: Why, I cross examined him in the Fifty-seventh street court.

THE COURT: He says to me that he understands some English. Now, put your questions to him, Mr. Townsend, and if he does not understand them, the Interpreter may act.

BY MR. TOWNSEND:

Q Do you recollect the night of the 22d of July last?

A (No answer).

(The question is repeated through the Interpreter). A Yes, sir, perfectly.

Q Did you have any money with you that night? A Yes, sir.

Q How much? A One hundred and fifteen dollars.

Q Where did you have it? A In this pocket (indicating the hip pocket of his trousers.)

Q In what? A In a pocket-book.

Q Where were you about half past eleven o'clock that night?

A I took a walk on Third avenue; I found myself there.

Q Well, did you go as far as Thirteenth street? A Yes, sir, to the corner.

Q Is that in the City and County of New York? A Yes, sir.

Q Well, did you see this prisoner there? A Yes, sir.

Q What was she doing? A The defendant spoke to me.

Q What did she say? A And she said: "Good evening. Hulloa."

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I know you. You are a nice fellow."

Q Well, what did you say? A In the beginning I did not say anything, but the defendant kept on near me walking until about the middle of Thirteenth street.

Q Well, what happened then? A The defendant said to me, "I am living here in some of these houses, and I invite you to come with me. I am fond of white men."

Q What did you say? A I stopped, and the defendant put her arms around my waist, in order to try to get me in.

MR. COLEMAN: Oh, no; I object to that.

THE COURT: Let him finish his answer.

MR. COLEMAN: But it will get to the jury.

THE COURT: I can't determine on it unless the answer is completed. Finish the answer.

A (continued) And that lasted a couple of minutes.

THE COURT: Objection sustained. Strike out what she tried to do.

BY MR. TOWNSEND:

Q Well, what did she do then? A She acted in a very forward way, and then, in order to---

Mr. COLEMAN: Objected to, "In order to". That is a conclusion.

THE COURT: Yes. Don't tell us that "in order to."

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A (continued) Well, I wanted to get rid of her and tried to push her away.

BY MR. TOWNSEND:

Q Well, just tell us what you did and what she did?

A I disengaged myself from this woman's grip and went my way.

Q Which way did she go, did you say? A The defendant went back to Third avenue.

Q Which way did you go? A Oh, I went towards Second avenue.

Q Well, did you find out anything then? A I proceeded towards Second avenue, and when I came to the corner there is a drugstore. I saw a light in the drug store and I had a queer feeling about me about the money. The money was rather bulky in my pocket, and I did not feel that same weight, and so I took the pocketbook out and opened it and ascertained that the money was gone, and instead of the money, there was the paper, a printed paper, a newspaper, folded together.

Q Have you got the pocketbook now? A No, sir; I haven't got it now.

Q Well, when you discovered your money was gone, what did you do? A I went up back to see if the defendant was still there, but she was not any more there.

Q Well, what else? A Then I immediately went home.

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Q Did you tell anybody about this matter?

MR. COLEMAN: Objected to, on the ground that nothing that he said to anybody else, in the absence of the defendant, can be admitted.

THE COURT: No. I will not permit the conversation, but he has a right to say whether he informed anybody.

MR. COLEMAN: Not to tell what was said.

THE COURT: Oh, no; certainly not.

A I told----

MR. COLEMAN: No; I object to the conversation.

THE COURT: No. He is not going to give the conversation. Wait.

A (continued) I told my landlord.

BY MR TOWNSEND:

Q What was his name? A Boeber.

Q And did you tell anybody else? A Yes, sir, Mr. Frank.

Q Yes. How long before you met this woman was it that you know that you had the money? A Before I left home I counted the money.

Q What time did you leave home? A It was one hundred and sixteen dollars, and I took one dollar away from the whole amount, because I had to pay this dollar to somebody.

MR. COLEMAN: Don't say, "because". Just say

what you did.

BY MR. TOWNSEND:

Q What time did you leave home? A About eleven o'clock.

Q Did you go anywhere except to the corner of Thirteenth street and Third avenue? A No; I did not feel well this evening, and I did not want to go anywhere except to take a walk.

Q When did you see this woman again after that night?

A About eight days after.

Q Well, where was she when you saw her? A In Fifteenth or Sixteenth street, but I can't say exactly.

Q Whereabouts in Fifteenth or Sixteenth street? A On the sidewalk with another woman.

Q Was any person with you? A Yes sir, Mr. Frank.

Q Well, what happened when you saw her? A I addressed Mr. Frank and I said to him----

MR. COLEMAN: Objected to.

BY MR. TOWNSEND:

Q Was the defendant there then when you spoke to Frank?

A No., no.

Q Then you told Frank something, and what did Frank do when you told him? A We went right up to the defendant and I demanded my money.

Q And what did you say? A I said, "Give me back my money



Q And what did she say? A She jumped away.

Q Which way did she go? Did you see? A Towards Second avenue.

Q Did anyone follow her? A Yes sir; we followed her.

Q Well, did you catch her, catch up to her? A Yes, sir.

Q Where was she when you caught her? A It was near the park, near Sixteenth street.

Q Was anything said to her? A Yes, sir. I said to return the money.

Q And what did she say? A She jumped in a cab and wanted to drive away.

Q Well, what happened then? A Then, we hollared to the driver, "This is a thief. She must come out."

MR. COLEMAN: I object to that, what they said.

THE COURT: Objection overruled. It was said in her presence.

MR. COLEMAN: Let me get my reason on the record, because there is no evidence that it was said in her hearing. Exception.

A (continued) The cab driver took the defendant out of the cab and she wanted to leave her hat as a pledge until she had gone to fetch the money.

BY MR. TOWNSEND:

Q Well, what happened then? A We did not accept that prop-

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osition, and Mr. Frank said---the defendant said to Mr. Frank that he should come along with her and I should wait there.

Q Well, what happened then? A Then Frank stepped in a Second avenue car with the defendant, and I remained there on the spot waiting.

Q Did you see the defendant again that night? A Yes, sir.

Q Where? A In the Police station house.

Q That night? A Yes, sir.

Q Did Frank come back that night to see you? A He did not return, but a policeman came and fetched me.

Q Fetched the woman? A No, fetched me.

Q Fetched you, the complainant? A Yes, sir.

Q And was anything said, in the station house, by you to the defendant, or did the defendant say anything to you, or to anyone? A Nothing.

Q Did you ever get your money back? A No, sir.

Q Is there any doubt in your mind at all as to this being the woman?

MR. COLEMAN: I object to the form of the question.

THE COURT: Objection overruled.

MR. COLEMAN: I object to it as incompetent, irrelevant and immaterial and as calling for an opinion. Exception. Let me get that on the record.



A No doubt whatever.

Cross Examination:

BY MR. COLEMAN:

Now, you don't understand anything that is said in English, do

you? A Yes, sir.

MR. COLEMAN:

Q Let the Interpreter stand aside for a moment.

BY MR. COLEMAN:

Q You understand everything that is said in English? A Yes, sir; not everything.

Q You don't understand everything that is said in ordinary conversation, do you? A I don't understand. (the question is repeated by the Interpreter) A I can catch the sense of the phrase or sentence but I can not answer.

Q You can not answer? A No, sir.

Q Then, you don't know everything that is said to you in an ordinary conversation? A Yes, sir; I do understand it.

Q Do you remember that you were cross examined by me in the Fifty-seventh Street Court? A (no answer) (The question is repeated through the Interpreter). A Yes, sir; I remember.

Q Now, don't you recollect stating this--when I asked you when was the first time that you had missed your money, and you answered, "When I got back to the house"? Do you understand my question? (No answer).

Q I will repeat it. Last you when you first missed your

money, when you went up to Thirteenth street, and you said when you got back to your home. Do you remember that?

A I do not understand. (The question is repeated through the interpreter) When I went home.

THE COURT: No, as he was going home, he said, Mr. Interpreter.

THE INTERPRETER: yes sir, "on his way home."

THE COURT: He says that he answered you, Mr. Coleman, that time, that he noticed it first when he was going home.

MR. COLEMAN: Very well.

Q Now, what time did you go home on Saturday night, the 22d of July? A After about twelve o'clock, after the occurrence.

Q Oh, no, no. You were out during the day ~~xxx~~ on Saturday, weren't you? You were out of your house, weren't you?

A It was Saturday, not Sunday.

Q I don't mean Sunday. If I said Sunday, I meant Saturday.

A It was Saturday, yes; not Sunday.

Q Well, do you remember being out of your house on Saturday at any time? A I was not well, and I remained home all day until eleven o'clock at night. Only in the morning I went to the bank to draw the money in question.

Q Well, now, what time did you go home that day on Saturday,

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after you left the bank? A About ten or half past ten.

Q In the morning? A In the morning.

Q And did you remain in the house all day? A Yes, sir; I did not feel well.

BY THE COURT:

Q What kind of a day was it? It was in July, was it not?

A It was a fine day in July.

BY MR. COLEMAN:

Q Now, what time did you leave your house that evening to go out? A About eleven o'clock.

Q Did anybody go out of the house with you when you went?

A No, sir.

Q Did you go out alone? A Yes, sir; I went out alone.

Q And you live between First and Second avenue, do you not?

A No, sir; between Second and Third avenue.

Q Yes, that is right.

BY THE COURT:

Q And on Eighteenth street? A Yes, sir.

BY MR. COLEMAN:

Q What number do you live in? A 233.

Q Now, how many in the family have you got?? I understand you are a married man. Are you? A I am all alone. I have a family but I am all alone at present.

Q Well, your family were living with you then, were they not?

A No, no; they are in Germany.

Q Are you married? A I was married.

Q You are a widower? A Yes, sir.

Q Your wife is dead? A Yes, sir.

Q And you have not remarried, have you? A No, no.

Q Do you board there in that house? A Yes, sir; I board there.

Q Well, when I say you board, I presume that you eat your meals as well as sleep there, do you? A Yes, sir; I have my meals and sleep there.

Q Now, did you have anything to drink that evening before you went out? A No, I did not drink that day, because I did not feel well.

Q You were not thirsty? A No, sir; I had lemonade.

Q Now, when you went out of the house, in which direction did you go to from the house? A To the right side. Until I got to Eimer & Amend's, corner of Eighteenth street and Third avenue.

THE COURT: It is a large drug house.

MR. COLEMAN: Yes, sir; I know where it is.

Q Then from the time that you left your house until you got down to or up to Eimer & Amend's, did you meet anybody and talk with them? A I did not meet anyone and did not speak to anyone.



Q Did you go into any place to have a drink while you were on Third avenue that night? A No.

Q Did you go right down to Thirteenth street, right straight down to Thirteenth street? A I wanted to go down to the park and back again.

Q Well, then, you went down as far as Thirteenth street, did you? A Yes, sir.

Q And this was about half past eleven o'clock on Saturday night, was it not? A I believe it was Saturday, but I am not quite sure.

Q You are not quite sure? A No, sir.

Q Didn't you have the defendant arrested on Saturday night, a week after? Answer that yes or no. A Yes, sir, the Saturday following, eight days afterwards.

Q Well, now, it was a week before that, before you had her arrested, that you say you lost your money, that you met this woman, wasn't it? A Yes, sir.

Q It was on the 22d day of July, was it not? A Yes, sir; either the 22d or the 21st. I believe it was the 22d.

A It was the 22d.

MR. COLEMAN: Let me have the original affidavit

I want to see the date there.

BY MR. COLEMAN:

appearing

Q You remember being in the Fifty-seventh street Court against this woman, don't you, on Sunday morning? A Yes, sir, on

Sunday morning.

MR. COLEMAN: I will state, between the affidavit and the facts in the case there is a discrepancy of one day.

THE COURT: Well, he says it was Sunday morning when he was there.

THE WITNESS: Yes, sir.

MR. COLEMAN: He is right about being there on Sunday morning, and that was the 30th, and the papers say the 29th. That was the day before. That is important for me, and if the District Attorney will admit that it was a mistake, I will concede that his evidence is right as to the Saturday night before.

THE COURT: No. That is for the Jury to determine, not you, whether the testimony is right or not.

BY MR. COLEMAN:

Q Well, you caused the arrest of this defendant on a Saturday night? A Yes, sir.

Q And it was a week before that time that the money was stolen from you, as you say? A Yes, sir.

Q Then, it was on a Saturday night that the money was stolen from you; is that right? A Yes, sir.



MR. COLEMAN: Then the date is wrong in the complaint. That part of it is correct, that part of his testimony.

BY MR. COLEMAN:

Q Now, when you went down from Eighteenth street and Third avenue, you met a great many men and women on the sidewalk in the vicinity of Fourteenth street, did you not?

A Oh, a great many.

Q Yes. The crowd was that thick in the neighborhood of Fourteenth street that they were jostling against each other going along; that they were crowding against each other going up, and down? A It was at night time and at this time there is not such a crowd there.

Q What? At half past eleven o'clock on a Saturday night, in that locality? A I had no trouble to go over there.

Q What is that? A I had no trouble to walk through there.

Q Certainly not. You did not have any trouble to go down through the crowd there, did you? A No.

Q No. A No, sir.

Q You can walk through a very thick crowd without any trouble, can't you? A large crowd closely mixed together, without any trouble? A Oh, naturally, yes.

Q And as matter of course if you walked through a large crowd, where they are closely mixed together, there is more

or less jostling, is there not, in a large crowd?

A Why not?

Q Why not? A Yes.

Q Well, I will take the question as an answer. It is all right. Now, after you got down to Thirteenth street, did you and this woman walk down towards Second avenue?

A Yes, sir.

Q Did you go into any place from the time that you left Thirteenth street until you got home to your place? A No.

Q I don't mean any immoral place; I don't mean that at all. The question that I put to you is not for the purpose of showing anything immoral, but did you go into any liquor store or in any cafe or any eating house or any kind of a respectable house, from the time you left Thirteenth street or any place? A I never go in a liquor store. I only go in a German restaurant.

Q Well, did you go into any German restaurant that night?

A No, no.

Q Did you go right straight home? A Yes, sir. I had no more money. I had lost my money and I was kind of dazed.

Q Now, the woman who hit you, did she go West or did she go East after she left you? A She walked towards Third avenue

Q And you walked down towards Second avenue? A Yes, sir.

Q And then you went up Second avenue? A To my house, yes, sir.



Q Up to Eighteenth street and into your house? A Yes, sir.

Q And you did not stop on the way after you left this woman?

A No, no.

Q And you did not go to look for her, did you? A eh?

Q You did not look for her that night? QA As soon as I understand, in the street near the drugstore, that I had lost the money, I went immediately after her, I got about half a block after her but could not see her.

Q Where was the drugstore located? A On the corner of Thirteenth. street and Second avenue.

Q And did you go into the drugstore? A No, sir.

THE COURT: We will take a recess now, Mr. Coleman.

And before taking a recess, gentlemen, of the Jury, it is my duty to caution you not to discuss any subject connected with the trial of this case, among yourselves, or with anyone else, or form or express any opinion thereon until the case is finally submitted to you.

Kindly be in your seats at two o'clock.  
And the Court will take a recess until then.

AFTER RECESS.

THE OBALD WENDLING, his Cross Examination being continued, testified as follows:

BY MR. COLEMAN:

Q Now, the last question I asked you, if my memory serves me right, was that you went into a drugstore, at the corner of Thirteenth street and Second avenue. Was that your answer. I merely put the question again to get the connection. A No, I did not enter the drugstore.

Q You did not go into the drugstore? A No. I saw the light of the drugstore, and counted the money in my pocket.

Q Now, that drugstore is on the corner of Thirteenth street and Second avenue? A Yes, on the corner.

Q On the north-west corner? A On the West side.

Q Yes, that is right. It is on the uptown side of the street, is it not, that drugstore? A Yes, sir.

Q And was that the first time that you missed the money?

A Yes, because---

Q No. Never mind "because", just answer my question's. How long a time was it before you left the house before you felt the money? A About half an hour or quarter of an hour before.

Q Before you left your house? A Yes, sir.

Q In which pocket did you carry your handkerchief? A In the left coat pocket.

Q What kind of a coat did you have on that night? A A short jacket.



Q Something like this, was it (indicating his own sack coat)? A Yes, sir.

Q And was it open or closed? A Yes, sir, open.

Q Was it a flannel or serge jacket or cloth? A It was a kind of cloth.

Q A cloth? A Yes, sir.

Q And did you have a vest on? A Yes, sir.

Q Well, I don't want to be impertinent, but I want to ask you a question. Did you wear a white starched shirt or a negligee shirt? A I had a colored shirt with a starched bosom or front.

Q Were you smoking that night coming down Thirteenth street?  
A No, sir.

Q How many people did you see on the corner of Thirteenth street and Third avenue when you got there? A None. Only a policeman that passed by.

Q Did you see a policeman there? A When I came away from the officer--- when I came away from the woman I saw an officer turning around the corner.

Q Around the corner of Third avenue? A The Second avenue corner.

Q Did you pass the officer? A No. I only saw him from afar, and I wanted to call on him.

Q You did not speak to him, did you? A No, he had already

gone away.

Q Which side of the street was the officer on? A On the south side of Second avenue.

Q Well, then, if you had called to him, he certainly would have heard you, would he not? A In the moment I was so excited and confused that I could not do anything.

Q No, could not do anything. How old a man are you? A Forty-three years old.

Q And how many years have you been living in this country?  
A Ten months.

Q Where had you been living before that time? A In Germany, in the City of Berlin.

Q Had you ever been in the United States before? A Yes, sir; three years ago.

Q In New York City?

MR. COLEMAN: Now, I would respectfully suggest to the interpreter that he say yes or no only; give only yes or no answers.

THE COURT: No, the interpreter must repeat the answers of the witness.

BY MR. COLEMAN: Now, you say you were here three years ago?

A Yes, sir, for ten months.

Q Now, how long had you been in this country when you came here before? A About eleven months.



Q Eleven months did you say? A Yes, sir.

Q Where were you living then; in New York City? A Yes, sir.

Q Where? A 356 Second avenue.

Q 356 Second avenue? A Yes, sir.

Q Did you go home up through Second avenue from the drug-store? A Yes, sir.

Q You went right up straight, did you? A Yes, sir.

Q To Eighteenth street? A To Eighteenth street.

Q That is, you went north? A Towards Eighteenth street.

Q Yes. Then, if I understand you correctly, the moment you ever missed your money you continued to walk up Second avenue to Eighteenth street? Is that correct?

A Yes, sir.

Q And did not call to any officer; did you? A No, sir.

Q You don't know whether you had that money in your pocket at any time after you left the house that night, do you?

A Oh, yes, naturally. I counted the money before I put it in my pocket.

Q You counted it at the house? A Yes, sir, in the house.

Q And that was the last time you saw your money, in the house? A Yes.

Q And what did you have that money in? In what shape was the money in that pocket book? In a roll of bills or in a pocket book? A Yes, sir. It was folded up and put together

in a leather purse the same as it is worn in Germany.

Q And how many years have you had that little purse?

A About a year and a half.

Q Now, I will ask you this question for my information: now, when you say, in a leather purse, do you mean a long flat pocketbook or a small purse or what? A It was a perfect bag.

Q A bag? A Yes, sir, with a little----

Q With a little clasp on top? A Yes, sir, that opens with a spring.

Q And that is about the usual length of it (illustrating)

A Yes, sir.

Q It was soft and would roll over and double up? A No, no. Only you could open it.

Q I mean, after you closed the purse, it would double over in that way (illustrating), wouldn't it? A No, it could not be folded; it is kept straight.

Q When you put it in your pocket, then, the clasp of that purse was standing up straight, was it? A This way (illustrating) The object was just as big as my pocket, and it was high in my pocket crosswise.

Q It was as large as your pocket? A Yes, sir.

Q And the top of the purse was gold or brass or some kind of a mounting? A Yes, sir, some kind of metal.

Q Now, then, the top of that purse could be readily seen in



your pocket, when your coat flew back, if a person stooped down, couldn't it? A Yes, sir; you could perceive it in my pocket, because it was quite thick.

Q And you stated a short time ago, if I correctly understood you, that in passing Fourteenth street, going towards Thirteenth street, there was quite a crowd of people there, walking backwards and forwards and up and down?

A Just as you meet them every day, only that I was not exactly in a crowd.

Q Well, you are pretty well posted about Fourteenth street, are you not? That is, you are pretty well acquainted with Fourteenth street from one end to the other? A Yes, sir, because I live in Eighteenth street.

Q And you often go up and down Third avenue and pass Fourteenth street in the evening? A Once in a while.

Q And you go out at night to take a walk along there, for the benefit of your health very frequently, do you not?

A Sometimes, yes.

Q And you noticed that at about that particular hour of the evening, there was a large crowd of young men and young women walking up and down Third avenue near Thirteenth and Fourteenth street? A Yes, sir; as usual.

Q Yes, as usual. Now, which side of Third avenue was she? The east side or the west side? A On the east side.

Q Towards Second avenue? A Yes, sir.

BY THE COURT:

Q Now, as I understand, after you arrived at the drugstore, corner of Second avenue, you put your hand in your pocket and then what did you discover, what did you notice?

A I noticed that my pocketbook had ~~grown~~ grown thinner, and I felt instinctively that something has transpired to me.

Q And did you take out the pocketbook? A Yes, sir.

Q And examined it? A Yes, sir.

Q And what did you find? A I discovered a sort of a blue paper that looked very much like money.

Q Was any of the money that you put in there before you left the house, in there? A All was gone and the pocketbook was open.

Q And the pocketbook was open? A Yes, sir.

D O L P H F R A N K, a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n:

BY MR. TOWNSEND:

Q Where do you live? A I live at 221 East Eighteenth street.

Q And do you know the complaining witness in this case, Mr. Wendling? A Yes.

Q Do you know him? A Yes.

Q Do you live there with him? A No, not any more.



Q Well, did you live with him on the 22d of July last?

A Yes, sir.

Q Look at the defendant at the bar and state whether you have ever seen her before? A No.

Q Before today? A Yes, sir at the time of the arrest.

Q Well, when was it that you first saw her to know her?

A On the evening, or rather the night, when the arrest was made.

Q Well, that was after the 22d of July, was it? A Yes, sir.

Q About when was it? A I remember the date. It was the 28th of July.

Q And was there anyone with you at the time? A Mr. Wendling and myself.

Q And where were you? A We were at the corner of Eighteenth street and Third avenue.

Q In the County of New York? A Yes, sir.

Q In the City of New York? A Yes, sir.

Q Now, what was the defendant, the prisoner, doing at the time you first saw her? A Well, Mr. Wendling stepped up to her and accused her of having taken money from him.

Q What did she say? Use his language as near as you can?

A "I want my money."

Q "I want my money"? A Yes, sir.

Q Where was she then? A She was turning from the corner of Seventh street and Third avenue, into Seventeenth street,

near Stuyvesant Park.

Q And what time was that? A About half past twelve.

Q At night? A At night.

Q And when Mr. Wendling spoke to her, what did she say or do? A At the very first moment, I could not say what she said, because I was following Mr. Wendling.

Q And then what happened? A He accused her of having taken the money, and suddenly a young man appeared, who tried to separate this woman and Mr. Wendling.

Q Some stranger? A Yes, sir.

Q What did he say? A The stranger tried to hold Mr. Wendling to prevent him from following the woman.

Q Yes. Well, what did you do? A Well, I was simply standing idly there for the moment, doing nothing.

Q Yes. Well, what was said by anyone. A Subsequently, the woman said that she would bring the money back, and was willing to leave her hat as a pledge.

Q Yes. A But I said that wouldn't do.

Q Well, what happened then? A And then she made also an attempt to board a cab which was passing by.

Q Yes. A And finally she turned around and ran to the corner of Fifteenth street and Second avenue, and boarded a car.

Q And what did you do? A I was able to board the same car

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and rode up with her, to Twenty-first street. During the time of the ride she said to me that if we would remain at the same place where we first met her, she would bring back the money to us; but I did not place any credence in her story; so I followed her--I remained on the car, rather, until she jumped off the car at Twenty-first street and ran towards Third Avenue, and I followed her and called an officer's attention to her, and he made the arrest.

Q What did you say to the officer in her presence? A I told the officer, to please hold this woman, as she had robbed a friend of mine of some money, and he would come up later to make a complaint.

Q And what did she say? A She protested to have never seen me, and requested the policeman to let her go.

Q And what did the policeman do? A The policeman held her.

Q And took her where? A Held her right at the same place.

Q And did Wendling come up? A No, no.

Q Well, what happened then? A I went back to the same place where I supposed Mr. Wendling could be found again, but I did not find him; and then I went to his house, where he resided at the same time, and did not find him there. Then I returned to the place where the woman was held by the policeman, as near as I can say, Twenty-first street and Third Avenue, and reported that I could not find---

MR. COLEMAN: Objected to.

BY MR. TOWNSEND:

Q You reported to the officer? A Yes, sir.

BY THE COURT:

Q And the defendant was there at the time? A Yes, sir.

THE COURT: Allowed.

MR. COLEMAN: Exception.

A (continued) After that another policeman came up.

He requested this policeman to take the woman to the station house, saying the complainant would follow soon.

BY MR. TOWNSEND:

Q Well, then, what happened? A And then we went to the Station House.

Q And there Mr. Wendling appeared? A Yes, sir.

Q And lodged a complaint against her? A Yes, sir.

Q Was there any further conversation held between the defendant and anybody at the station house? A No, sir.

Q You know Mr. Wendling for several years? A No.

Q How long? A I lived at the house 233 East Eighteenth street last Spring when he moved in there, and in that way I became acquainted with him.

Q Do you know a gentleman by the name of John Kopek? A I know him now, of course.

Q Yes. And you know that there is such a man? A No, I did



not notice him at all in the excitement at that time.

Cross Examination:

By MR. COLEMAN:

Q Now, did you testify in Fifty-seventh street court at the time the defendant was arraigned? A Yes, sir; I was present.

Q And you were cross-examined there? A Yes, sir.

Q You say that the defendant went towards the cab? A Yes, sir.

Q When you and your friend came up? A Yes, sir.

Q And had a conversation? A Yes, sir.

Q And she did not get into the cab, did she? A No, sir.

Q Are you sure about that? A Quite sure.

Q Quite sure? A Yes, sir.

Q Then, if anybody else said that she rode in a cab, they would state what is untrue?

THE COURT: There is no such testimony here.

She did not ride. There is no such testimony here.

By MR. COLEMAN:

Q Well, where did you see this woman first on that night?

A Third avenue and Seventeenth street.

Q And what hour of the night was it? A Half past twelve.

Q And where did you come from? A From the Sub-Station of the Post Office at Eighth street and Third avenue.

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Q You mean the Elevated Station? A No, no; the Post Office Sub Station.

Q And was Mr. Wendling with you? A Yes, sir.

Q Well, Mr. Wendling, as a matter of course when he saw the woman, was naturally excited, when he rushed up to her?

A He simply said, "There is that woman who took that money from me."

Q Well, then he went up and demanded the money back?

A Yes, sir.

Q And when he said that he spoke in an angry tone?

A He spoke very little. He said simply, "My money, my money."

Q Well, didn't he speak in an somewhat angry tone?

A In a demanding tone.

Q Well, in a commanding tone? A Yes, sir.

Q When he spoke in a commanding tone, his voice was somewhat rough, was it not? A I could not say that, no. I could not say that. Simply in a loud tone of voice so as to be heard.

Q And you were close to him, weren't you? A Quite. He was a short distance in front of me.

Q And then you came up too? A Yes, sir; then I came up too.

Q And was the woman frightened any? A Yes, sir; she tried to run away immediately.

Q Yes. The first thing that Mr. Wendling said to her, when



he rushed up to her was , "Give me my money," and he ran towards her, didn't he? A Yes, sir.

Q Yes. A Yes, sir.

Q And held his hands up, didn't he, in a threatening attitude?

A No.

Q Will you swear that he did not? A He did not.

Q Did he catch hold of her? A I think he held her by the arm.

Q By the arm? A Yes, sir, but I am not sure.

Q You say that a young man stepped in between the two?

A Yes, sir.

Q A white man? A Yes, sir, a young white man.

Q And he was walking along about his business at the time, wasn't he? A He came upon the scene very suddenly.

Q And he told Wendling to let this woman alone, didn't he?

A No, sir.

Q Well, then, there was some kind of a struggle there.

A Well, you might call it that way.

Q And Wendling caught hold of her in a very harsh way?

A No. This young man stepped up between them.

Q Well, did he have hold of the woman in a very loving way?

A No, he did not have hold of the woman at the time at all.

Q You never saw her before? A Never before.

Q And all that you know is about what occurred that night?

A Yes, sir.

Q Then, wouldn't you consider it a rather strange fact, if two men rushed up to a strange woman, and seized hold of her and frightened her at that time of night?

MR. TOWNSEND: Objected to.

OBJECTION SUSTAINED.

BY MR. COLEMAN:

Q How long did you remain there? A Until the moment when she ran towards Second avenue.

Q And she got away from both of you, didn't she? A Yes, sir.

Q In other words, the woman was too much for you? A Oh, no; I was able to follow her.

Q And what did the young man say or do? A He tried to prevent Wendling from following her, but he could not hold us both.

Q And then he was holding her or following her? A No. I said, "following" her.

Q And was that before or after Wendling took hold of her?

A Wendling did not have much chance of holding her, because this young man appeared immediately.

BY THE COURT:

Q Now, one moment. What is your business, Mr. Frank?

A I am a corresponding clerk in a banking company.

Q With what firm? A August Belmont & Co.

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Q Now, was there any other gentleman in the party with you that night? A No, sir. We were returning from the Sub-Station of the Post-Office on our way home.

BY THE THIRD JUROR:

Q Was your present at the time when Mr. Webbling went out from the room in Eighteenth street? A What night?

THE COURT: Do you mean the night that he was robbed, Mr. Juror?

THE JUROR: Yes, sir.

THE WITNESS: The night he was robbed, I was not with him.

BY THE JUROR:

Q Well, were you in the house that night? A Yes, sir; I was with him in the house until about halfpast seven and I left the house before him, and he told me of the occurrence.

Q When? A The next morning.

MR. COLEMAN: Now, I move that that answer be stricken out, because it was said in the absence of the defendant.

THE COURT: Motion denied.

MR. COLEMAN: Exception.

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J O H N K O P E K , a witness called on behalf of the people,  
being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n :

BY MR. TOWNSEND:

Q Where do you live? A I live now at 430 East Eightieth, or 340 East Eightieth, I mean.

Q And where did you live last July? A 1543 First avenue.

Q 1543 First avenue? A Yes, sir.

Q Look at the defendant at the bar, and state whether you have seen her before today? A Yes, sir.

Q When first? A I have saw her at Sixteenth street, between Second and Third avenue, right in the little street that runs opposite the park near the church.

Q When? A I seen her handing her hat over to a man named Frank---I never knew him before or seen him before---and she said, "Hold my hat and I will give you your money". I did not know what the quarrel was about or what they were talking about at the time, and then I saw her running down through Fifteenth street to Second avenue, and there was another young man who took hold of this tall man-- what is his name?

Q Wendling? A Yes, sir. And he was trying to lead him to a car on Second avenue, and I followed them up and followed as far as Twenty-first street and Second avenue, and then I put two officers onto them, and I told them that I thought---

MR. COLEMAN: Objected to.

THE COURT: No, No. Don't tell us what you



thought.

BY MR. TOWNSEND:

Q You had a conversation with the two officers? A Yes, sir.

Q And then what did you do? A And then I walked up to Fifteenth street with them and stood on the corner.

Q With the officers? A With this Mr. Wendling. And then a little while after an officer came up and he asked me---

MR. COLEMAN: Objected to.

MR. TOWNSEND: No matter. What happened after that?

A. He said: "Are you"-----

MR. COLEMAN: Objected to.

BY MR. TOWNSEND:

Q No. Don't tell us what you said. A This is what the officer said.

THE COURT: No. Don't tell us what the officer said.

BY THE COURT:

Q What did he do? A And then we walked down to the station house the next thing.

BY MR. TOWNSEND:

Q And did you go down to the station house? A Yes, sir.

Q And there you saw this defendant? A Yes, sir.

Q And these parties, Frank and Wendling and the defendant?

A Yes, sir.

Q Can you fix that date? A I believe it was about the 28th of July.

Q Of last year? A Yes, sir, of last year.

C r o s s   E x a m i n a t i o n :

BY MR. COLEMAN:

Q Did you see Mr. Wendling have hold of the defendant, the complainant in this case? A No, not Wendling, I saw Mr. Frank.

Q That is all you saw? A I saw Mr. Frank and Wendling, too.

Q Then, Wendling was not there at the time that this woman and Frank had the conversation, near the park?

A Mr Wendling was there.

Q Was he present at the time she handed the hat to Frank?

A I have saw Frank and I have saw her hand the hat to Mr. Frank.

Q And where was Wendling at that time? A Well, he was standing right there.

Q Where? A Right near.

Q Well, how near? A Well, I should judge about two feet or three feet.

Q From them? A Yes, sir. I do not recollect just the number of feet.

Q And he made no effort to prevent the woman from getting



away? A Yes, he did.

Q Well, now, when you speak of the park, what part of the park was this at? A Right near Sixteenth street.

Q Near what avenue? A It is a little street between First and Second avenue, near Second avenue; it runs two blocks.

Q Now, on which side of the park was it? A On the west side.

Q And where did you come from, that time? A I had come from Third avenue.

Q And where did you live? A I live now in Eightieth street.

Q And where did you live then? A 1543 First avenue.

Q And where is that, between what streets? A Between 80th and 81st.

Q Give us that number again, please? A 1543 First avenue.

Q Between what streets is that? A Between 80th and 81st streets.

Q And you came from Third avenue, you say? A I came from Third avenue at that time.

Q And did you go through that street alone? A Yes, sir.

Q What street was it? A Sixteenth street.

Q Well, Sixteenth street does not go through the park, does it?

A No, sir.

Q And where were you going to then? A To second avenue, to get the uptown car.

Q Why didn't you go through Seventeenth street? A Well, I just thought of going through Sixteenth street at the time. I met a friend of mine on Third avenue, and I walked down to Sixteenth street.

Q Did your friend walk through Sixteenth street with you?

A No, sir.

Q Where does he live? A On 12th street, near Second avenue.

Q And where had you been that time? A I had been down to see my wife. She lives in Third street with my mother.

Q What number? A 344, I believe it is, near avenue C; between B and C.

Q And what brought you up in Third avenue? A Well, I met a friend of mine, and walked through Third avenue home, and we took a walk through Third avenue.

Q And then you came up through Third street to the Bowery?

A No, not the Bowery. We walked through Second avenue to Eighth street, and then up Eighth street to Third avenue.

Q Well, wasn't that going out of your way to go home at that hour of the night? A Well, it was, but I thought I would take a little walk.

Q How long had you been down with your wife? A Well, I believe it was until about twelve o'clock, about twelve o'clock. It might have been about half past eleven or a quarter to twelve.



Q And then you walked up to Sixteenth street and then down to the park? A Yes, sir.

Q And you left your friend where? A I left him at Third avenue.

Q And he went on home? A Yes, sir.

Q Now, were you in the habit of going down to second avenue in that way? A No, sir.

Q Well, do you not know, in going down Sixteenth street, you have to turn either north or south to get to the street above or below to get to Second avenue at that time of night? A What is that?

Q If you go down Sixteenth street, on Third avenue, when you get down to the little street where the church is, you have got to go north or south to get to second avenue at that time of night? A Yes, sir.

Q Well, then, you went out of your way down there, didn't you? A Yes, sir; I did.

Q Now, were you there at all? Just think for a moment. Were you down there? A Why, certainly I was down there. If I was not, I would not say that I was.

BY THE COURT:

Q Were you in the Police Court the next morning? A Yes, sir.

Q In the Fifty-seventh street court? A Yes, sir.

BY MR. COLEMAN:

Q You did not testify, did you? A No, sir; I did not.

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Q You were not called, were you? A No, sir.

Q Nobody said anything about it? A No, sir.

THE COURT: His name and address are on the Police Court papers.

MR. COLEMAN: Is it down there?

THE COURT: Yes.

MR. COLEMAN: Well, I did not see him there.

But if it is on there, that is the end of that.

BY MR COLEMAN:

Q You said nothing up there? A No, sir.

Q Now, did you have any conversation with Mr. Wendling since this affair? A Yes, sir, several times.

Q And with Mr. Frank? A Yes, sir.

Q Well, that is all you know about it? A That is all I know.

Q What business are you in? A I am a carpet layer.

Q A carpet layer? A Yes, sir.

Q And what firm do you work for? A For Rauth & Hess.

MR. TOWNSEND: The People rest.

Mr. COLEMAN: I ask your Honor to advise the jury to acquit on the ground that there is not sufficient testimony in this case.

THE COURT: Motion denied.

Mr. COLEMAN: Exception.

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THE DEFENSE.

EDWARD JOHNSON, a witness called on behalf of the Defense, being duly sworn, testified as follows:

Direct Examination:

BY MR. COLEMAN:

Q Last July where were you living? A At 225 West 27th street.

Q And with whom had you been living there? A Mrs. Pearl Dehoney, and her husband.

Q You mean the defendant at the bar? A Yes, sir.

Q Do you recollect the time that she was arrested?

A Yes, sir.

Q Were you living there then? A Yes, sir; I was.

Q When did you learn that she was arrested? A It was on a Tuesday -- no, on a Sunday -- no, the -- let me see. It was about a week afterwards. Yes, about a week after her husband had went away from town.

Q Well, you heard that she was arrested? A Yes, sir.

Q Now, after you heard that she was arrested, did you see her then afterwards? A Yes, sir.

Q Where did you see her? A At her house.

Q Did you have a conversation with her? A Yes, sir; I did.

Q What did she tell you?

MR. TOWNSEND: Objected to.

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THE COURT: Objection sustained.

BY MR. COLEMAN:

Q Now, did you learn from her or any other person when she had been arrested, the day of the month? A It was on the 29th of July, if I am not mistaken.

Q That she was arrested? A Yes, sir.

Q Now, did you learn at any time afterwards when it was that she was accused of stealing this money? A I don't understand you, sir.

Q Did you learn -- after you had learned that Pearl Dehoney was arrested, did you learn from any person the time when this man said that he lost his money, how long a time it was before she was arrested? A It was from the 22d of July until the 29th.

Q Well, now, what night was she arrested on; what night of the week? A On Saturday night, sir.

Q Now, how long a time was it between that time that she was accused of taking this money? A A week previous to that.

Q What night was it on? A On a Saturday night.

Q Now, do you know where she was on that Saturday night?

A Yes, sir; I do.

Q Where? A At home, sick in bed, she was.

Q At what number? A 225 West 27th street.

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Q Is that her home? A Yes, sir.

Q Was that her home then? A Yes, sir.

MR. COLEMAN: I suppose, Colonel, you will concede the fact that she stated there, in the papers, that she lived at 225 West 27th street?

MR. TOWNSEND: I will concede that she stated that fact, or that alleged fact.

BY MR. COLEMAN:

Q When did you see her on the night of the 22d? A When I got home, about half past 9, from work, she was lying in the bed, and I asked her ----

MR. TOWNSEND: Objected to.

THE COURT: Objection sustained.

BY MR. COLEMAN:

Q And what was the matter with her? A She told me she had neuralgia of the face.

Q Did her face have the appearance of anything unusual?

A I don't understand you,

Q Did her face have the appearance of being anything unusual?

A Yes, sir; her face was swollen, on her face here, and on the side of her neck (indicating).

Q After you went home that night did you go out at all?

A No, sir; I did not.

Q Did you stay in all night? A Yes, sir.

Q Well, what time did you go to bed? A I didn't go to bed at all that night. I stayed up and went to market on Sunday morning.

Q Why did you stay up? A She asked me would I stay up with her, and I told her why yes, as I didn't have to go to work on Sunday night.

Q Who was in there with you? A A friend of mine rooms with me, by the name of Washington.

Q Was he there too? A Yes, sir; he was there when I came in.

Q Now, the night that she was sick did you learn afterwards -- it was Saturday night; was it not? A Yes, sir.

Q And was she sick before that night? A Yes, sir; three days before that she complained of a toothache, or something of that kind.

Q And was the complaint before that time? A Yes, sir.

Q Now, then, are you positively certain that she did not go out of that house all night Saturday night? A Yes, sir.

Q All that night of July 22d? A Yes, sir; I am.

Q You are? A Yes, sir.

Q Could she go out without your knowing it?

MR. TOWNSEND: Objected to.

THE COURT: Allowed.

A Well, no, sir, she could not, because I was in her

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room all the time until about half past 6 or 7 o'clock on Sunday morning.

BY MR. COLEMAN:

Q And she was suffering all the time? A Yes, sir.

C r o s s E x a m i n a t i o n :

BY MR. TOWNSEND:

Q What do you do for a living? A I am a piano player, a professor, a professional piano player.

Q Do you work anywhere now? A No, sir; not at the present time.

Q When was it that you last worked? A I can't exactly remember now, but I was between 41st and 40th street, on Seventh avenue, at the club up there.

Q When was that? A That was last July. I worked for them up there -- I worked about a month and a half, I guess, until near September, as near as I can remember.

Q Doing what? A Playing the piano there.

Q What club was it? A Sir?

Q What club was it? A They called it the "Turf Exchange."

Q That was last September you left there? A Yes, sir.

Q And you have not done anything since? A Yes, sir; I have.

Q Where? A I have worked down at 118 31st street.

Q When did you go there to work? A About a month and a

half ago, I guess. I worked there about a month, and then it shut down.

Q Then it closed up? A Yes, sir.

Q And have you been doing anything else since then? A Yes, sir; I played the piano on 37th street and Seventh avenue, at Mr. Todd's, if I am not mistaken. He runs the place there, I think.

Q What is the number? A I don't exactly know the number. It is 37th street and Seventh avenue. There is a colored club upstairs there.

Q Now, how long had you been living in this house in July?

A How long had I been living at 225?

Q Yes. A Oh, I had been living there about -- as near as I can remember -- about a month and a half or two months.

Q As near as you can remember about a month and a half or two months? A Yes, sir.

Q When did you go there to live? A Well, it must have been in ----

Q No. I don't want what must have been, but I want to know what it was. A Well, about May; some time in May.

Q About in May? A Well, it was in May.

Q Well, what part of May was it? A I don't exactly know. Along about the 7th or 8th of May I went there.

Q You went there? A Yes, sir; to live.

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Q Are you married? A No, sir.

Q Well, when did you leave there? A Why, I left there when they left there. They moved and I moved.

Q Who moved? A Miss Pearl Dehoney there.

Q Well, when was that? A That was as near as I can remember ----

Q Well, isn't your memory good? A No, sir; not exactly; not about moving around that way.

Q Now, let us see when you left there. What month was it?

A Well, it was near cold weather when we left there.

Q Is that the best you can say about it, that it was near cold weather? A Yes, sir.

Q Well, was that September, or October, or November, or December? A I guess it was about in September.

Q You think it was about September? A Yes, sir.

Q And where did you go to live then? A We moved up on Seventh avenue and 32d street, on the corner.

Q And are you living there now? A No, sir.

Q Well, when did you leave there? A Well, I left <sup>them</sup> there. I moved up to 496 Seventh avenue.

Q 496 Seventh avenue? A Yes, sir.

Q Did you know this defendant before you went to live there?

A Yes, sir.

Q How long had you known her? A Oh, I been knowing her

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quite a while; about three or four years; something like that.

Q Three or four years? A Yes, sir.

Q Well had you ever lived in a house where she lived before?

A No, sir. I moved into her house when I moved in there, in her flat; yes.

Q Where did you get acquainted with her? A In Chicago.

Q Oh, in Chicago? A Yes, sir.

Q Well, where were you living in Chicago? A I was living in 459 Dearborn street, and I lived at 216 21st street.

Oh, I have lived almost all over Chicago.

Q Well, when did you leave Chicago? A Oh, I left Chicago in -- last March, if I am not mistaken. No, let me see.

I left Chicago, I think it was in April.

Q You don't know when? A No, sir; I can't remember.

Q And do you know when you got here? A I got here two or three days after I left Chicago.

Q And when was that? April, or May? A I don't remember.

Q You can't tell whether it was April or May? A No, sir.

Q Your memory is not at all good about dates; is it?

A No, sir.

Q Well, where did you leave your friend, when you left Chicago?

MR. COLEMAN: Objected to as immaterial, irrelevant

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and incompetent.

THE COURT: Allowed.

MR. COLEMAN: Exception.

BY MR. TOWNSEND:

Q Where was your friend, the defendant here, when you left Chicago? A She was in New York here.

Q She was in New York? A Yes, sir.

Q Well, do you know when she left Chicago? A No, sir; I do not.

Q Do you know what she did in Chicago? A No, sir; I do not. She lived out south with her sister.

Q In the southern part of Chicago? A Yes, sir.

Q Well, what did she do for a living here in New York; do you know? A Well, she lived at home with her husband.

That is all I know.

Q What? A Well, she lived at home with her husband; that is all I know.

Q She lived with her husband? A Yes, sir. I had a room in the house there.

Q And what is her husband's name? A His name is Mr. Dehoney.

Q Mr. Dehoney? A Yes, sir.

Q Well, you say it was the 22d of July that she was home and in bed? A Yes, sir.

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Q What? A Yes, sir.

Q Well, how about the 21st of July? A Sir?

Q How about the 21st of July? Where was she? A She was home, sick, as I stated before.

Q Well, the 23d of July, the day after the 22d, where was she?

A She was home.

Q She was home? A Yes, sir.

Q The 24th of July, where was she? A She was home.

Q And the 25th of July? A She was home.

Q Now, I mean speaking of the night time. A Well, yes, the night time. What I mean, sometimes I would come from work a little earlier, and sometimes I would come from work a little late. It depended on how long I would have to wait at my work.

Q Now, on the 28th of July where was she? A She was at home.

Q Home all the evening? A Yes, sir; she was home all the evening. I left her home when I went to work.

Q What time did you go away? A I went away about 7 o'clock, as near as I can remember.

Q You went away about 7 o'clock? A Yes, sir.

Q From home? A Yes, sir.

Q And you got back about what time? A Back home from work?

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Q Yes. A Oh, I came in about 12 o'clock, I guess, as near as I can remember.

Q Now, didn't you come in later than 12 sometimes? A No, sir; not usual. Sometimes I would come in at half past 11 or 12, and sometimes a little later than that.

Q And sometimes 1 or 2 o'clock? A No. Well, yes; sometimes 1 o'clock or a little later.

Q Now, on the night of the 22d of July did you play anywhere?

A Yes, sir.

Q And what time did you leave your work that night? A I left there about half past 10 o'clock.

Q And where did you go? A I went home.

Q No. But where did you leave? A I left the "Turf Exchange."

Q And what time did you leave to play there; what time did you go out to play there that night? A Yes, sir.

Q What time did you leave home? A I didn't play there at all that night. That is, I played a few pieces, and then people came in, and it was kind of dull that night, and I had got an order to close down the piano, and I couldn't play regular, and I had to play the piano kind of soft. They came around and gave orders not to play the piano loud, because there was a lady sick next door.

Q Yes. And so you played the piano soft that night?

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A Yes, sir. And I think it was about 8 o'clock, and they came in and told me to stay around there, and if anybody came in I should play the piano a little for them, and I stayed there until about half past 10, and I went out and went home.

Q Now, where did you sleep? A I slept in the second room.

Q And what floor? A The third floor.

Q The third floor? A Yes, sir.

Q And there were how many rooms that they occupied? A Four rooms.

Q And your room was where? The front, or rear? A My room is the second from the front.

Q And what room did they occupy? A The front room.

Q The front room? A Yes, sir.

Q Now, you could get into your room without going into their room, couldn't you? A Yes, sir, I could. But most generally I used to go through their room, on account of having to get into our room through the kitchen. And her bed was catty-cornered, and, after the bed was let down by her, it was kind of difficult to go through that way, and she had to come in through our room to let me in by the kitchen, and so I always came in by the front room. The rooms is built right in a row.

Q So you recollect that you saw her that night, the 22d?

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A Yes, sir..

Q And you saw her at home every night that week? A Yes, sir.

Q She was at home every night that week? A Yes, sir.

Q Well, how about one night? One night she didn't come home?

A No, sir. That was Saturday night. She didn't come home.

Q Well, what day of the week was it? A That was the 29th, if I ain't mistaken.

Q And the 29th was Saturday? A Yes, sir.

Q And she didn't come home that night? A No, sir.

Q Well, did you see her go out that night? A No, sir. I was not there when she went out.

Q You were not there when she went out? A No, sir.

Q Had she been in bed the night before? A No, sir; she was not in bed the night before, but she had a poultice on her face. She had her head all tied up.

Q She had her head all tied up? A Yes, sir.

Q Are you still living at that house? A No, sir.

Q And you don't know when you left there? A No, sir; not exactly. I didn't keep no account of moving.

Q Well, we will take the week before that. She was home on the 22d. What day would the week before that be, what day of the month would that be? A Sir?

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Q What day of the week would a week before the 22d be? A A week before?

Q Yes. A It would be seven days less.

Q Well, what would that be? A Well, I am not a pretty good counter.

Q You are not much on counting? A No, sir.

Q And yet you are sure of these two days on the 22d and 29th?

A Yes, sir; I am sure.

Q But the Saturday before you can't tell what day of the month that was? A Why, I could count it and tell you.

Q You could? A Yes, sir.

Q Well, count it. A Saturday would be the 22nd, and Friday would be the 21st, and Thursday would be the 20th, and Wednesday would be the 19th, and Tuesday would be the 18th, and Monday would be the 17th, and Sunday would be the 16th.

Q Yes. And Saturday would be what day? A Sir?

Q And Saturday? A Saturday would be the 15th.

Q The 15th? A Yes, sir.

Q Now, we have got it down. Was she home that night?

A She was home when I went home, yes. I was working, and I got home about 12 o'clock, and she was home and in bed.

Q Well, was her husband at home? A Yes, sir; I think he was. No, sir; he was not at home.

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Q He was not at home on the night of the 15th? A No, sir.

Q Well, how was it on the night of the 22d? A He was not at home.

Q He was not at home that night either? A No, sir.

Q And you don't know what time he came in that night?

A He didn't come in at all.

Q He didn't come in at all? A No, sir.

Q He often stayed out nights, all night? A Why, he worked down at Coney Island.

Q He was away, waiting at Coney Island? A Yes, sir.

Q And was he away as a regular thing, right through July?

A Yes, sir; he was away almost throughout the summer, at times.

BY THE COURT:

Q You stated that this defendant's husband had gone away the week before. What week did he go away? A Sir?

Q You said, a little while ago, in answer to Captain Coleman's question, that the husband had gone away the week before.

A Yes, sir.

Q What week did he go away? A The week before that.

Q Before what? The week before her arrest? A Oh, he had been away about two or three weeks. He would come home sometimes. He would come home one night of a week, or something like that, and go back down to the Island again.

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Q And was that the week before she was arrested that he went away? A Yes, sir. And he would come back home a night, and go away again.

Q Where is he now? A I don't know, sir. I haven't seen him lately.

Q You have not seen him lately? A No, sir.

Q Well, did you live out in Chicago with this lady, at the same place that she lived? A No, sir; I did not.

Q How long before you came to New York did she come to New York? A Well, I don't know, sir.

A M E R I C U S P. W A S H I N G T O N, a witness called on behalf of the Defense, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n :

BY MR. COLEMAN:

Q Where were you living last July, Washington? A I was living at 225 West 27th street.

Q With whom? A At the lady's house, Pearl Dehoney.

Q Do you remember the time she was arrested? A Yes, sir.

Q Did you learn on what night she was arrested? A Yes, sir.

Q What night was it? A On Saturday night.

Q Now, did you learn afterwards what night the complainant stated that he lost his money, and accused her? A Yes.

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- Q What night was it? A Saturday night.
- Q And how long before she was arrested? A A week.
- Q Do you know where she was then? A Yes, sir.
- Q The night that the larceny was committed? A Yes, sir.
- Q Where? A At home.
- Q Did you see her in her room? A Yes, sir.
- Q Where was that? A That was at 225 West 27th street.
- Q Was there anything -- in what condition was she, when you saw she was at home that Saturday night? A She was sick with the neuralgia.
- Q Do you know whether she went out that night, that Saturday night? A I know up to until about 1 o'clock.
- Q What did you say? A I know up until about 1 o'clock.
- Q You saw her up to 1 o'clock? A Yes, sir.
- Q You were living there then; were you? A Yes, sir.
- Q How long, the evening before -- did you see her that evening, on the same evening? A Yes, sir, about 8 o'clock, I came home.
- Q Yes; about 8 o'clock you came home? A Yes, sir.
- Q Was she in the house all that night? A She was, up to 1 o'clock.
- Q And then went to bed? A Yes, sir.
- Q And you can't say what occurred after that? A No, sir.
- Q Now, did you look to see what day of the month it was that

she was arrested on? A Yes, sir; I did.

Q What did you look at? A At the calendar.

Q Did you make inquiries of what day of the month it was that the accusation of the larceny was made? A Yes, sir.

Q And what day of the month was it? A The 22d.

Q And what day of the week was it? A Saturday.

Q And that is the same Saturday night that she was at home?

A Yes, sir.

C r o s s     E x a m i n a t i o n :

BY MR. TOWNSEND:

Q And what is your business? A I am a tile-layer by trade.

Q A tile-layer? A Yes, sir.

Q And do you work at your trade? A Yes, sir.

Q And when did you last work at it? A I couldn't work at my trade for about a year and two months. I am working at 43 East 29th street, the last work I did.

Q The last work that you did? A Yes, sir.

Q When was that? A That was last summer.

Q What part of the summer? A Well, all the summer, up to until August. I went down to a summer resort.

Q On the first of August where did you go? A To the summer resort.

Q What summer resort did you go to? A Asbury Park.

Q You went down on the first of August? A Yes, sir.



Q What day of the week was that? A That was on Tuesday, I believe; Tuesday or Wednesday.

Q What room did you occupy, and on what floor in that house?

A Two flights up, the inside room, next to the front room.

Q Did you hire from this woman? A Yes, sir.

Q What room did this other man who just testified, occupy?

A He had the room with me.

Q What? A He had the room with me. We were rooming together.

Q What time did you go up that night, the 22d of July?

A About 8 o'clock.

Q Did you stay there all the evening? A I stayed there until -- yes, I went to bed about 1 o'clock.

Q You went to bed about 1 o'clock? A About 1 o'clock.

Q And what time did this other man come in? A This other man came in about 9 o'clock, I think.

Q About 9? A Yes, sir.

Q Are you sure about that? A Yes, sir, about 9 o'clock; somewhere between 9 and 10, or a little after 9, I guess.

Q What? A A little after 9 o'clock, I guess.

Q And what were you doing when he came in? A I was sitting talking to the lady, and I was just after fixing her some hot salt to put on her face.

- Q What did you do after that? A I sot there, me and him.  
After he came in, you mean?
- Q Yes. A Well, after he came, we played cards a while.
- Q You played cards? A Yes, sir.
- Q Was her husband there that night? A No, sir.
- Q Where was he? A He was down at Coney Island.
- Q Coney Island? A Yes, sir.
- Q What board did you pay? A My board? I didn't board  
there. I only roomed there.
- Q How much did you pay there for your room? A I paid a  
dollar and a quarter for my part of the room.
- Q Well, the 29th. Were you there the night of the 29th?  
A The night of the 29th?
- Q Yes. A Yes, sir.
- Q What time did the other man come in that night? A On the  
29th?
- Q Yes. A I disremember what time he came in that night,  
because I think he worked that night.
- Q What time did the lady come in? A Well, the lady was  
there when I got there. I didn't get there myself until  
about 10 o'clock, I believe.
- Q About 10? A Yes, sir.
- Q And the lady was there when you got there? A Yes, sir.
- Q What? A Yes, sir. I think she was, if I am not mis-

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taken. Yes, she was.

Q She was there? A Yes, sir.

Q You are positive about that? A No, sir. I won't be positive. I think she was on the 29th.

Q You think she was? A Yes, sir.

Q What was she doing when you got there? A On the 29th?

Q Yes. A I won't be sure about that. I don't know whether she was there at that time or not. I know I did not get there until about 10 o'clock myself.

Q You didn't get there until about 10 o'clock? A No, sir.

Q Now, see if you can recollect if she was there and what she was doing at the time? A On the 29th?

Q Yes. A She was not there when I got there. That is right. It was the cook there. She was not there at all.

Q What time did she get there? A What time did she get there on the 29th?

Q Yes. A I didn't see her until about Tuesday or Monday, I believe it was.

Q What time did she get there on the 28th? A On the 28th?

Q Yes. A I disremember.

Q The day before? A I disremember what time she got there.

Well; there was nothing that I can see that I have to remember that she was there -- what time on the 28th, because I am so uncertain about coming in that I don't know my own

hours.

Q Who has talked with you about this case? A No one has talked with me concerning this case, only ----

Q When did you first learn of her arrest? A I first learned of her arrest on a Sunday morning.

Q From whom? A From my friend who just went out.

Q How did he learn of it; do you know? A He says he got a message.

Q A message from whom? A From the lady.

Q And when did you know that you were going to testify?

A After she was out on bail.

Q When was it that you were told that you were to testify?

A I was told that I was to testify about a week after I came back from the summer resorts.

Q And when was that? A That was in August.

Q How long were you down at the summer resort? A I was down there about five days the first time, and then I came back.

Q And how long did you stay here, when you got back? A How long did I stay here?

Q Yes. A I stayed here then a week.

Q And then what did you do? A I went back.

Q And what did you do there? Did you stay down there?

A. Yes, sir.

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- Q How long did you stay there? A Two weeks.
- Q And then what did you do? A And I came back.
- Q And you have not done anything since; have you? A Yes, sir. I have did something since.
- Q At what? A At the waiter's trade.
- Q Where? Where? A Up on -- I forget the number -- but it is on 42d street.
- Q Whose place is it? A Mr. Banks's place.
- Q When did you leave there? A I left there about five weeks ago.
- Q And have not done any work since then? A No, sir.
- Q And how do you live? How do you pay your board? A I save my money, what I work for.
- Q You save all your money? A What I don't spend. I save enough money to live, when I ain't working.
- Q Now, you don't know anything more about the 22d than any other night; do you? Nothing happened on that night to make an impression on you? A Yes, sir.
- Q What did? A Well, she was sick, very sick.
- Q And she was sick the night before; wasn't she? A Yes, sir.
- Q And the night before that? A Yes, sir.
- Q And sick the night before that? A Oh, I don't remember whether she was sick the night before that or not. I know

that she was sick two or three nights before that.

Q Well, couldn't it have been a week before, just as well as the 22d? A Well, I don't know, sir, what it could have been.

Q Why was it the 22d? What impressed you that it was the 22d? A What impressed me was the fact that ----

Q Yes. A When she got arrested ----

Q Yes. A She came home after she got out, and was telling us about her own arrest for something.

Q And when did she get out? A She got out on Monday or Tuesday.

Q Of August, or July; when? A Of July.

Q Monday or Tuesday? A Yes, sir.

Q And she was telling you? A Yes, sir.

Q And when did you go down to work? A When did I go down to work?

Q Yes. A At the summer resort?

Q Yes. A I went down to the summer resort on Wednesday, or some time that week.

Q Some time that week? A About that time.

Q Well, you said it was on the first of August. A Well, that was near the first of August.

Q And you went down on what day of the week? A On Wednesday or Thursday. It was about the first of August, anyway.

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Q Well, when did she get out of jail, on what day? A I believe it was Monday or Tuesday. I ain't sure.

Q Do you know what day she came back from prison to that flat?

A I think it was Tuesday.

Q Do you know positively? A Well, I disremember positive.

Q You say it was Tuesday? A I think it was Tuesday.

Q Now, are you as sure about that as you are about that it was the 22d that she was there at home? A About that date?

Q Yes. A No, sir.

Q You are not sure about it? A It was Saturday, the 22d.

Q Well, are you sure that the day she came back from jail was a Tuesday? A No, sir; I disremember that.

Q Well, that was quite an important time; was it not?

A Not to me.

Q Well, was it not just as important as the fact of her having been sick? A No, sir; I didn't have anything to do with her, that day. I didn't have to wait on her.

Q It didn't make any impression on you? A No, sir; only I knowed she was out, and she was telling us about being arrested.

BY THE COURT:

Q Now, you were in the police court, on the next morning after her arrest; were you not? A No, sir.

Q Were you there on Monday morning? A No, sir.

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Q When were you there? A I was not in the police court at all.

Q In 57th street? A No, sir.

Q How long do you know this defendant? A I know her about -- a little over a year.

Q Where? In Chicago? A No, sir; here.

Q You never met her in Chicago? A I only met her there, but I never was acquainted with her there. I had seen her there a couple of times.

Q Oh, you were acquainted with her -- you had met her, but were not acquainted with her? A No, sir; not personally acquainted with her.

Q When did you see the defendant's husband last? A Day before yesterday.

Q Day before yesterday? A Yes, sir.

R e - D i r e c t E x a m i n a t i o n :

BY MR. COLEMAN:

Q Now, when you speak of the 29th, that she came home about Tuesday, was your attention called to the time of the arrest, that it was on Saturday night? A Yes, sir.

Q And did you look at anything to find what day of the month Saturday night was? A Yes, sir; that is the way I remember the 22d.

Q Well, did you learn then that it was a week before this?

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A Yes, sir.

Q Of a Saturday night, that the accusation was made?

A Yes, sir.

Q And is that why you remember? A Yes, sir; that is why I remember.

Q And then you charged your memory with that fact? A Yes, sir; with that night, because she asked me -- she told me, "You remember I were home that night sick?" and I said, "Yes. That is the night I was fixing hot salt bags for your face."

BY THE FOREMAN:

Q Did you ever know this woman to have been out of her house after 12 o'clock at night on any other nights? She was arrested about half past 12, I think. Was she in the habit of being out of her house at that hour frequently?

A No, sir; not to my knowledge. The only time I seen her away was about half past 10 or 11 o'clock.

BY THE COURT:

Q Now, is it not a fact that you stated, a few minutes ago, that you sometimes left the house at 7 o'clock, and did not return until late? A No, sir; I didn't say so.

Q Well, when did you leave the house, when you went to work?

A At 6 o'clock, sometimes.

Q And when would you return? A Well, from 9 o'clock on

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to 12.

Q And you found her at home every time? Do you mean to swear to that? A Oh, no, sir; I didn't find her home every time.

MR. COLEMAN: The Defense rests.



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THE COURT'S CHARGE.

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THE COURT:

Gentlemen of the Jury: At the outset, I desire to say to you that I regret that the counsel for the defense, in his enthusiasm for his client, should have permitted his feelings to run away with him so far as to attempt to insinuate that this Court had taken advantage of an infirmity of his. No one at the bar knows better than he that at no time in my experience, either at the bar or on the bench, have I ever attempted to take an advantage of the infirmities of a fellow man. What prompted him to make the remark, or why he should have attempted to parade before this jury his work for the nation, in time of war, is for you to determine, and you can best determine, after you have considered all the circumstances in connection with this case.

This is a very simple case. The defendant at the bar is charged with grand larceny in the first degree; that is, the stealing of property from the person of another, in the night time. It is immaterial, so far as this charge is concerned,

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as to the amount of money taken.

If you believe, gentlemen of the jury, that this defendant, on the night in question, the 22d of July, 1899, took from the person of this complainant the money in question, and it is immaterial as to the amount, your verdict ought to be guilty of grand larceny in the first degree.

If, however, you believe that the complainant was mistaken in his identification of this defendant, your verdict ought to be that of not guilty.

Or, if there be a reasonable doubt in the case, arising on the evidence, your verdict ought to be not guilty.

But, in determining whether or not this defendant was the person that stole the money from the complainant, you ought to consider her conduct at the time the charge was made against her by this complainant; for the law of this State is that flight is evidence of guilt, unless such flight is properly explained; and if you believe that, at the time of her arrest, and at the time the charge was made by this complainant and his friend against her, she attempted to flee, and did jump upon a car and managed to get away a distance

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of five or six blocks, you have a right to consider that circumstance in determining the question as to her guilt or innocence; and, as I said to you at the outset, if you believe that she is the person who took from the person of the complainant the money in question, your verdict ought to be guilty as charged in the indictment.

The defendant has failed to take the stand. Under our law, formerly, a defendant could not testify in his or her own behalf. But the Legislature of our State, in its wisdom, finally adopted a law that every person charged with crime has the right to testify in his or her own behalf, but providing also that a failure to testify must not weigh against him or her in the consideration of the case. In other words, the prosecution must make out their case beyond a reasonable doubt; and, if you believe that the prosecution in this case have made out their case beyond a reasonable doubt, your verdict ought to be guilty as charged in the indictment.

I want to impress upon your minds, gentlemen, as I have tried to impress upon the minds of every jury during this term, that, however we may find fault with the conduct of men, however it may be

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repugnant to our nature or disposition, to have men of our own color found in the company of persons of this defendant's color, you have nothing at all to do with that, or with the morals of the case.

If the testimony of the complainant be true, that he was upon the streets of the City of New York, upon our highway, a place that he had a perfect right to be, and where he was entitled to the full protection of the law, and that this defendant deliberately took this money from his person, on the street, although it may have been at a late hour, and you should consider in this connection that it was in the month of July, in the latter part of July, when people are apt to be up late; if this man was upon the public street, where he had a right to be, and this defendant took from his person the money in question, your verdict ought to be guilty as charged in the indictment.

Any requests or exceptions?

MR. COLEMAN: Yes, sir. I take an exception to that part of your charge where you state that the law of this State is that a person running away is evidence of guilt. You will pardon me for stating that it is not the law. A person running away is

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a circumstance, and not evidence of guilt.

THE COURT: I will take your statement of it, and charge as you request.

MR. COLEMAN: And I ask your Honor to charge the jury that the jury must be satisfied, beyond a reasonable doubt, that the complainant had the money in his pocket at the time that he met the woman at 13th street and Third avenue.

THE COURT: Certainly. I so charge.

MR. COLEMAN: And that he had the money when he left his house.

THE COURT: Yes. I so charge.

MR. COLEMAN: And when he was going down Third avenue to 13th street.

THE COURT: Yes, I so charge.

MR. COLEMAN: And I also ask your Honor to charge that the circumstance of the complainant not calling a policeman is a circumstance against him.

THE COURT: No, sir; I decline to so charge.

MR. COLEMAN: Did your Honor charge reasonable doubt?

THE COURT: Yes; I did charge that.

(The jury found the defendant guilty of grand larceny in the first degree.)

MR. COLEMAN: I would like to have the jury polled.

(The jury is polled by the clerk.)

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New York, March 22, 1900.

The Defendant being arraigned for sentence:

MR. COLEMAN: If your Honor please, for the purpose of protecting the interests of my client, I will make the ordinary motion.

I move for a new trial, on the ground that the verdict was against the weight of evidence.

Secondly -- That the evidence in the case was insufficient.

Third -- That the verdict was against the law and the evidence in the case.

I suppose that will cover it. I will take a ruling on that.

THE COURT: Motion denied.

MR. COLEMAN: Exception. And now I move in arrest of judgment, on the ground that the indictment does not set forth facts sufficient to constitute a crime.

THE COURT: Motion denied.

MR. COLEMAN: Exception. Now I want to say, in regard to this case, if your Honor please, I noticed this morning -- my attention was called to it coming down in the car -- some matters in the paper that were to me a great surprise, in some ways. I notice my

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daughter's name was mentioned in connection with the case. I don't know how it got to be mentioned any more than she did in the premises merely what she did as an act of charity and ordinary mercy.

I want to say in that regard, if your Honor please, that while the prisoner at the bar stands accused of many crimes, and now I know all about her career and I did at the time of the trial, at least I think I did. I may not, but that is my impression and, while I recognize the fact that she has been a criminal yet in a conversation I had with her, at one time, when she thought she would regain her liberty, she made remarks to me, which impressed me very favorably at the time, and I thought she was sincere.

I know that what I am about to say may have little or perhaps no effect, yet no harm can come by saying what I am going to say, but nothing gained, nothing lost.

She told me that there was nothing in this life for her, and when she said this life, she meant the life she was following, and that, if she got out of it, on the day she expected to be discharged, that she would leave this city, in half an hour, and go back to her own home and lead a different life.

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I know that there are many people who believe it is utterly impossible for a person who has led a criminal life ever to reform; but, after all, in my long years' experience at the bar, I can point to many instances in this city, to-day, of men moving in good society, bringing up good families, and also women, who have led criminal lives, and bad ones too, and reformed, and made good citizens afterwards.

What I am going to say, I don't want the Court, or any other person to infer that I mean anything harsh against any person, God forbid, but my experience is this, that sometimes when an opportunity is given to a person to do better, that, having seen the evils of their ways in the past, and knowing that everything is at a high cost, and unfortunately for those people they are not living at times for themselves but for others, who want to do better. Men in our business can't say what they know. The seal of secrecy is upon our lips, and we are placed in such a position that we can never tell, even upon our own death beds, but we do know that these people are sometimes preyed upon more than they prey upon others.

Now, all that I ask is -- and my daughter went,

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your Honor, about the matter. She left my office with tears in her eyes without my request, but I couldn't see any harm in it, but I don't want her name mentioned in any connection with it. Whoever gave it away I don't know.

Now, I would state this, that long sentences, as a rule, never accomplish anything. I think your Honor will differ with me. We both have a right to differ with each other, and especially when we are both honest about it, as long as we are both honest about the matter, no harm can come. But I will state this, that many times have I felt for criminals before the bar, many a time I have succeeded in saving people for whom they thought there was no redemption, and I have the pleasure of knowing to-day that those very people that nobody thought could be saved were saved and have led better lives. I think this about this woman now and I judge, and I form my opinion from statements she made to me in the Tombs, not as the results of this trial, because I know and I realize the fact that people who are convicted are willing to promise anything for the purpose of getting out of it. I have had no remarks like that from her since. I haven't even said a word to her

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about the matter since, but the conversation took place between ourselves when she thought that she would regain her liberty.

Now, I will appeal to the Court not to be as severe in this matter as many think you will be. Of course, they have no right to think, and they have no right to say it, because I know no other person living has got your opinion on the subject. But there is one thing I will say as a matter of justice to others.

There are two men's names mentioned in connection with this case in this morning's papers, and I know what they done in the premises. They are both present. But what the third one done I don't know, except seeing it in the papers but, if I was on my dying bed, these men -- I would say that both of these men acted honest and consistent and perfectly truthful and everything, and I refer to Col. Townsend and Mr. Blake. I think that, in that regard, they may have made a mistake but, if they made it, it was an honest mistake, and I was sorry to see any reflection cast upon their character this morning, and I didn't know what Mr. Carr had done in the case until I saw his name in the paper the other morning, and I

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haven't said a word to him, but I know that Col. Townsend has spent several days in examining the case, after he was instructed by your Honor as I believe, and I am sorry that those men were mentioned in the papers in that connection.

I am pretty severe sometimes to criticise, and your Honor knows that, but at the same time I am always willing to take the part of others, especially when I think they have been wronged.

Now, enough of that. I will take no further time.

In consequence of what appeared in the papers this morning, my daughter wants to make some explanation about that. What it is I don't know, in that regard, but I am very sorry that her name should be mentioned in connection with it. It does seem to me, and I will say this about it, if she appeared here as an act of charity and of mercy, for the purpose of gaining some time, having some time taken from this woman, then I say that any woman or man without charity is actually without a heart; a man or woman without charity or a heart -- and if we believe the teachings laid down to us by the Almighty, charity is at the bottom of all things, and

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the man without charity can never go through this world, and when his latter days come, look back with satisfaction upon the past. We are all liable to sin, every one of us. There are none of us pure. We can't be pure. But, at the same time, charity says to us, "What you ask of the God in heaven, you grant unto others, if you have an opportunity."

Now, Judge Newburger, I do ask, from the bottom of my heart, for this woman, from what I learn from her, and I know all about her, and I know what her character is. In that regard she is to be pitied.

I know that your Honor can answer me, very effectually, too, but I do ask your Honor, as an act of mercy, not to severely punish this woman, but give her a chance until she comes down and goes back to her own Southern home and leads a better life.

You are too intelligent -- you will pardon me for saying it -- you are too intelligent a man not to know that the books are full of cases where men and woman of the worst kind, when chances

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were given to them relented and became better men and women. You have no doubt read the case of Cosette, mentioned by Victor Hugo, and we all know that, when the man came from prison, and the matter is fiction, of course, though it is founded on facts, that he reformed, and lead a good life, and was a benefactor to the neighbors, and to the community, and the state, and his country, but through the jealous persecution of Gervette he was sent back to the galleys, and all the good that he had done was stricken from him, and he returned to misery.

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So that, after all, in looking over the past, the most pleasant thing that I have seen often occurs, right in the midst of the most terrifying turmoil. I have seen men who engaged in mortal combat, when one would fall, deadly enemies too, eager to kill, fighting to kill, yet charity took the place for the time being, and the canteen of water was held to the dying lips of the poor dying rebel soldier or the Union soldier, one by the other. We could forgive, and each thought the other was wrong, and we could forgive in those things, and that shows what charity will do at times, when it is most required.

I have nothing more to say, and thank your Honor for your kindness -- with this exception. I want to say that this woman got a fair trial. There can be no fault found with that. The jury were of her own choosing. The jury was out for some time, and as a compliment to that jury I will say this, that were I to try a case in this court to-morrow, and to examine the jury, if the same twelve men were presented to me, I would accept the same twelve men without asking a single question of them.

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I recognize the fact that there were elements in the case that they could not overcome. And as far as your Honor's charge is concerned, though we had a difference, it was perfectly fair, and though I took exception to it, you immediately amended it and accepted it on my terms. And I thank you from the bottom of my heart for your kindness in the matter; and I cannot thank the jury, because they were not of my way of thinking, but I do thank them in the light that they could not do otherwise; and all I have to say is that she got a fair trial, and was fairly convicted, and she recognizes that herself. And that is all I have got to say. My daughter wants to speak.

MISS COLEMAN: Now, your Honor ----

THE COURT: Now, please do not. I want to say, at the outset, that no one regrets more than I do the publication of your daughter's name in connection with this case, and I think that both you and your daughter will bear me witness when I say ----

MR. COLEMAN: Yes, sir.

THE COURT: That, all through the case, I begged her not to appear in this case.

MR. COLEMAN: Yes, sir; that is correct.

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THE COURT: Through what she believed to be her duty as a member of the Bar, and as a good woman, she made an appeal in behalf of this defendant. Now it came into the newspaper, I do not know.

MR. COLEMAN: We are satisfied of that, your Honor.

THE COURT: Now, let the defendant stand. I desire to say here that the only instruction that I gave in this case was when I sat in Part I, when the application was made to me ~~to dismiss her or~~ to discharge this defendant upon her own recognizance, and that was that the case should be tried, and that the complainant should be found. That was the only instruction that I gave in this case. Whether that instruction resulted in the production of the complainant and the trial of this case, the facts can best determine.

This defendant is charged here with larceny from the person, in the streets of New York.

I have procured from the Tombs a list of other women of her color, who are now there awaiting trial, and I find that there are ten others, charged with the same offense. She is the third colored woman <sup>a number</sup> who has been convicted of this offense during this term, in this Part of the Court, that is, robbing

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men in the streets of New York.

This defendant, by her own admission, has served two terms in the prisons of Illinois. She started on her criminal career in 1888. She is known to the police of two cities, New York and Chicago. She has been arrested in New York City half a dozen times, and, despite the warnings of the police, she persisted in remaining here and in robbing men. I agree with you, in a certain respect, that, at times, the Court ought to give a defendant an opportunity to reform, and I think, without saying it in a spirit of egotism, that my record on the Bench, during my career of four years here, will show that I have suspended sentence as often as the facts would warrant. This defendant, however, as I say, has had the opportunity to reform, but she has failed to take advantage of that opportunity.

Sentences are imposed often not so much to punish as to have a deterring effect upon others; and I propose, in the imposition of this sentence, to give notice to those of her kind that the City of New York is not the proper place for them; and my object in imposing sentence is not only to pun-

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ish this defendant, but, at the same time, to have a deterring effect upon others.

Upon the conviction in this case I will sentence her to the State Prison at Auburn for the term of eight years.

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