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

IN THE MATTER

-of the-

Investigation into the escape of
RICHARD HARRISON, a prisoner charged
with murder in the first degree.

3013

Before: HON. WILLIAM H. WATHAMS, sitting as committing
Magistrate.

New York, October 4, 1918.

FOR THE DISTRICT ATTORNEY: Assistant district attorney
ALFRED E. TALLEY.

THE COURT: Upon my arrival in the court house,
having heard that a prisoner charged with murder in
the first degree had escaped, I directed the District
Attorney to forthwith investigate the escape and sum-
mon before me such witnesses as could shed any light
on the question. Mr. Talley, are you ready to pro-
ceed?

MR. TALLEY: I am ready to proceed with the in-
vestigation and ask your Honor to sit as a committing
Magistrate.

THE COURT: You may proceed before me, sitting
as a committing Magistrate.

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T H O M A S H A N L E Y, being duly sworn, testifies as follows:

(Keeper, Tombs.)

THE COURT: Before giving any testimony you are advised that you are not required to answer any question that is put to you. Anything that you say may be used against you. If you desire to give testimony, it will be voluntary on your part; there is no compulsion whatever. You understand that fully.

THE WITNESS: Yes, Judge, I do.

THE COURT: You understand your rights and privileges in that connection?

THE WITNESS: Yes, sir.

BY MR. TALLEY:

Q What is your name? A Thomas Hanley.

Q And your address? A 328 East 80th street.

Q And are you a keeper in the City Prison? A Yes, sir.

Q And were you on duty in the City Prison this morning?

A Yes, sir.

Q What time did you go on duty? A At 7 o'clock.

Q And on what tier were you performing your duty as keeper? A On the third tier.

Q And on the third tier this morning did you have a prisoner named Richard Harrison? A Yes, sir.

Q Do you know him by sight? A Yes, sir.

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Q Did you see him this morning? A Yes, sir.

Q What happened in connection with him this morning, on the third tier? A Well, he was going to court and put up on the slate the night before, and in the morning they are called down for court at about 9.20.

Q Did you see the name of Richard Harrison on the slate, last night amongst those who were to be called to court this morning? A Yes, sir. I put it on myself.

Q You put it on, did you? A Yes, sir, on the tier slate.

Q Then, this morning, when the time came to send the prisoners over to the court room, what did you do with respect to Harrison? A Well, the usual thing, when they are called down to court, I sent down him and two others.

Q Did you send Richard Harrison down? A Yes, sir.

Q And with him did you send two other prisoners? A Yes.

Q Now, what actually did you do? You say you sent them down, what did you do? A That is all we did.

BY THE COURT:

Q I don't know what that means. Tell me what it is. Did you take him out of his cell? A No, they are out. They do not be locked in at that time, your Honor; they exercise from seven to nine.

Q Where was he then? A He was on the bridge of the tier.

BY MR. TALLEY:

Q Was he exercising from seven until nine o'clock with the other prisoners? A Yes, sir.

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Q And did you see him at nine o'clock? A Yes, sir.

Q What did you do with him? A I locked in all the rest and I left standing beside me on the bridge there him and two others.

Q Then, after you locked the others in, what did you tell him? A He stood there on the bridge with me until they were called to go to court.

Q When he was called to go to court, did you lead him to the stairway? A I said: "All right, go on down to court." That is the usual thing when they are called to court, to tell him to go to the first floor.

Q You sent him down the stairway? A Yes, sir.

Q Did you see him go off the third tier? A Yes, sir.

Q Do you know where he went? A Yes, downstairs.

Q The last you saw him was when he was going down stairs?

A Yes, sir.

A About 9.20.

Q What time was it?

Q 9.20? A Some time around 9.20.

BY THE COURT:

Q You did not walk down with him? He passed out of your sight, did he not? A He passed out of my sight; yes, sir. He left my tier and went downstairs to the first floor.

Q That is your usual practise, is it? A Yes, your Honor.

BY MR. TALLEY:

Q You handed him over to the next keeper on the tier below is that correct? A Yes, sir.

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BY THE COURT:

Q You did not see him go down? A I seen him going down, yes, sir.

Q I want to know whether you saw him in the hands of the next keeper, or saw him going downstairs? A Yes, your Honor, I saw him go downstairs.

Q You did not see him in the hands of the next keeper? A No, your Honor.

THOMAS A. MARSHALL, being duly sworn, testifies as follows:

(Keeper, Tombs.)

MR. TALLEY: Will your Honor warn this witness, please,

THE COURT: You are advised of your right to refuse to answer any question, and warned that anything you may say may be used against you. If you make any answer, you do so voluntarily, entirely of your own accord. Do you understand that?

THE WITNESS: Very well, sir.

BY MR. TALLEY:

Q What is your name? A Thomas Arthur Marshall.

Q And your address? A 446 Senator street, Brooklyn.

Q Are you a keeper of the City Prison? A Yes, sir.

Q How long have you been a keeper there? A For a period of three years or a little over.

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Q Were you on duty between nine and ten o'clock this morning? A Yes, sir.

Q In the City Prison? A Yes, sir.

Q And what were you doing? A Between nine and ten o'clock?

Q Yes. A I was at the desk, the receiving desk.

Q Where is that receiving desk located, A On a level with this first tier.

Q Is that two floors below the third tier of cells? A Yes.

Q Do you know a prisoner named Richard Harrison? A By sight; yes, sir.

Q Did you see him this morning? A I did; yes, sir.

Q Did he pass in front of your when you were at the desk? A No, sir. He passed after I called him out for court, then he passed in front of me. After they were assembled for court, to go court, then he came through the gate to the right of my desk and had to pass the desk.

Q Then, he did pass by your desk this morning? A very true, yes, sir.

Q Are you known as the receiving clerk up there? A Yes, sir
BY THE COURT:

Q Tell us what your duties as receiving clerk are? A My duties are for men going to court, to make a note of the same in a book, a ledger, and have the sheriff's guard, prison guard, sign for the number of men they take to court.

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BY MR. TALLEY:

Q Did you have before you today a list of prisoners who were scheduled to be brought over from the city prison to this court building? A I did; yes, sir.

Q And from whom did you get that list? A Why, it comes from the court house.

Q Is this the form of the list that is used for that purpose? A (Showing paper to witness) Yes, sir.

Q And is that a duplicate of the list that was in use today? A That is a duplicate to the original.

Q And do you see on that list the name of Richard Harrison? A I do; yes, sir.

Q And is this the list that you saw? A Yes, sir.

Q Are there any marks in pencil in your handwriting? A Not on that list; no, sir.

Q Do you know whose pencil mark appear opposite the name of Harrison or Gustave Guillaume a prisoner? A Yes, sir; my side partner at the desk.

Q Who is that? A Mr. vorndorfer.

MR. TALLEY: I offer those sheets in evidence.

The same were received in evidence and marked, respectively, People's exhibits 1 and 2.

Q On People's Exhibit 2 appears the name of Richard Harrison and opposite the name appears in pencil the letter "3". Do you know what that indicates? A Indicates the third tier.

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Q "Date of commitment September 25th," "By whom committed," the word "homicide," and the letters "G. E." written over them. What does that indicate? A General Sessions.

Q And in pencil writing, do you know what the pencil writing there indicates opposite the name of Harrison? A El-mira warrant.

Q What does that mean? A Means that he is to be returned, in case he gets a suspended sentence, returned to the City prison for transfer to El mira Reformatory.

Q Did you know the charge against Harrison which he was brought over to court today to answer? A Yes, sir.

Q What was it? A Murder.

Q Had you heard of Harrison before today? A Yes, sir.

Q When these prisoners came before you this morning, did you know how many there were? A I did; yes, sir.

Q How many? A There were twelve.

Q Did you make any entry in any book as to those prisoners? A No, but the clerk at the desk through my instructions made the entry in the book.

Q Is that clerk at the desk a prisoner? A Yes, sir.

Q Assisting you as keeper? A Yes, sir.

Q And were the names of these twelve prisoners in the book?

A They were.

Q Have you got the book with you? A I have, sir.

Q Will you turn to the page at which those names appear?

A Yes, sir.

Q What page is it of your book? A Page 95.

Q And is the name Richard Harrison there? A Yes, sir.

Q And on that book are the names of the same prisoners.

What appear upon the sheets marked Exhibit 1 and Exhibit 2?

Yes, sir; fac simile of those.

Q And did you check them off in your book? A I did, on the original sheets.

Q You check them with the original sheet? A Yes, sir.

Q Are these the original prison sheets to which you refer (indicating papers)? A Yes, sir.

Q And are those the sheets that bear your marks? A Yes, sir, pencil marks.

Q And is there a mark of yours opposite the name Richard Harrison? A Yes, sir.

Q What mark is it? A Just a check.

THE PROSECUTOR: I offer in evidence two sheets known as original prison sheets.

(The same were received in evidence and marked People's Exhibits 3 and 4 respectively.)

Q Now, have you a commitment for the prisoner Richard Harrison? A Yes, sir.

Q Will you produce that from the records in the Tombs prison? A Yes, sir.

Q Let me have it? A (Hands paper to counsel.)

Q On the back of the commitment is there any writing,

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in your handwriting? A I will have to look at it. (Examining paper) No, that is done by my partner.

Q That is your clerk? A No, sir.

Q By your partner, a keeper in the prison? A A keeper in the prison.

Q What is his name? A Körndorfer.

Q And what is the purpose of those marks on the commitment, if you know? A That is the pedigree, where he writes his age, married or single.

Q And the purpose of that pedigree is what? A To ascertain if it is the correct man.

Q That is, the pedigree on the commitment is used to determine whether or not the man referred to in your book and on your prison sheet is the same man-- is that right? A Yes, sir.

MR. TALLEY: I offer that commitment in evidence.

The same was received in evidence and marked People's Exhibit 5.

Q On page 95 of a book which you produce designated "General Sessions book," appear certain names under date of October 4th, 1918, under the heading, "Part 1." What do those names indicate? A They are the names of men going to court, to Part 1.

Q And were those the men that passed by your desk this morning? A Yes, sir.

Q And were they checked by you? A Yes, sir.

Q Checked off from the book, and on this original sheet

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marked people's Exhibit 3-- is that right? A Perfectly right; yes, sir.

Q Now, from the examination of the records, and from your own recollection, do you state that Richard Harrison passed by your desk this morning? A Yes, sir.

MR. TALLEY: I offer in evidence page 95 of general Sessions book.

The same was received in evidence and marked People's Exhibit 6.

Q Opposite the names on People's Exhibit 6, which is page 95 of the book, there appear some pencil initials that look like "A.J." Is that right? A Yes, sir.

Q Did you see anybody put those initials on there? A I did.

Q Who was it? A Mr. Jacobs of the Sheriff's office prison guard.

Q What is his full name? A Adolph Jacobs.

Q Deputy Sheriff? A Deputy Sheriff.

Q Deputy Sheriff Jacobs, then, in your presence marked his initials opposite those names? A yes, sir.

Q Were these prisoners in the custody of anybody when they passed your desk? A In the custody of the Sheriffs.

Q What Sheriffs were there? A Mr. Burke, Mr. Jacobs and Hammigan.

Q Three deputy sheriffs? A I guess that is what they are.

Q Were they present in front of or at your desk with

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those prisoners? A They were passing my desk with them, going to court.

Q Then, after you checked them? A Yes, sir.

Q And after you checked up the prisoner, Richard Harrison, what happened then? A I turned them over to the sheriff and he doubled them up and marched them to court, and I went back to my desk.

Q When you say, doubled them up, by that you mean, marching two by two? A Yes, sir.

Q And they went by your desk where? A Through the gate downstairs, to go over the bridge.

Q What was the last you saw of the prisoner Richard Harrison? A Passing my desk.

Q Did you see him going downstairs? A No, sir.

Q Those three sheriffs men were with those twelve prisoners when they passed you, is that right? A Yes, sir.

Q Do you see Sheriff Burke and Sheriff Hannigan and Sheriff Jacobs in the court room? Mr. Burke stand up. A Yes, sir.

Q Is that the Burke that you refer to? A Yes.

Q Mr. Hannigan (man stands up in court room). A That is Mr. Hannigan.

Q Is that the Mr. Hannigan you saw? A Yes, sir.

Q Mr. Jacobs (man in court room stands up) Is that the Jacobs you saw? A Yes, sir.

Q Those are the three men that were with these prisoners this morning? A Yes, sir.

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Q When had you seen Harrison previous to this morning?

A He went to court on the 2nd.

Q That is Wednesday of this week? A Yes, sir.

Q Did he passby you in the same manner on that day? A The same manner exactly.

Q In whose custody was he then? A He was in the custody of Jacobs, if I remember right.

Q Can you tell from examining the book which you have produced? A I can tell who signed it on that morning, for him.

Q Who signed for him on that day? A Mr. Jacobs.

Q Jacobs also? A Yes, sir.

Q Is that the entry there? A Yes, sir.

MR. TALLEY: I offer in evidence page 34 of the General Sessions book.

THE COURT: Is that some other day.

MR. TALLEY: It is another day with the name Richard Harrison O.K.'d by the deputy sheriff. The purpose is to get the initials of the sheriff.

The same was received in evidence and marked People's Exhibit 7.

Q On October 2nd when Richard Harrison with other prisoners passed before you and was received by Jacobs, did you say anything to Jacobs or to anybody else about Harrison? A I did. I remember saying to Jacobs, I said: "You got Harrison in that line."

Q You said, "You have got Harrison in that line." Did

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you say anything else to him? A No, sir.

Q What did you mean by that? A Well, I meant to say that I was instructed by our warden to be careful of him.

THE COURT: I do not believe you can ask that question, what he meant, Mr. Talley. You may ask what he said.

Q Did you say anything else to Jacobs other than, "You have got Harrison in that line"? A Not that I recall.

Q Did you say that ^{about} any other person in that line on the 2nd of October? A No, sir.

MR. TALLEY: Is there anything further, your Honor?

BY THE COURT:

Q How many men were there in the line? A This morning, your Honor?

Q That those three sheriffs had in custody? A This morning, sir, eleven.

Q Including Harrison? A Yes, sir.

Q Did you know what the charge was against Harrison? A I do; yes, sir.

Q What was it? A Murder.

BY MR. TALLEY:

Q Did you have any conversation with Warden Hanley about this prisoner Harrison? A Yes, sir.

Q What did he say to you about him, if anything? A Said to be very careful of him, and also to change from one tier to

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another, so that we would have him separate from other friends that he had there and keep a close watch on him.

Q Did you have any conversation with anybody else, any police officer or any other keeper, with respect to Harrison? A Yes, sir.

Q With whom? A With a policeman, by the name of Shevlin and officer-- I can't remember the other officer's name.

Q Shevlin or Slevin? A Slevin. I think it is Slevin.

Q Did you have any conversation with an officer named Maskiell about it? A I did; yes, sir.

Q Do you see Officer Maskiell in the court room? Is Officer Maskiell here? Is Officer Slevin here. (Man stands in courtroom.) Did you have any conversation with that man about him? A Yes, sir.

Q What was said by Slevin or Maskiell about Harrison? A He was at Bellevue Hospital, sir, and Harrison was brought in the Tombs, and I then heard that there was some saws placed in the Bellevue Hospital at a certain point there, and that Harrison through the aid of some one else was to make his escape by sawing the bars.

Q You were informed then that Harrison was a prisoner in Bellevue Hospital? A Oh, yes.

Q And that while there an attempt had been made? A Yes, sir.

Q With the aid of saws to aid him in escape from Bellevue?

A Yes, sir.

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Q Is that right? A Quite right.

BY THE COURT:

Q Who told you that? A I think I heard it through a conversation with either Officer Slevin or the other officer.

BY MR. TALLEY:

Q Is this the other officer that you had a talk with?
(Indicating officer in court room) A Yes, sir.

THE COURT: What is your name?

OFFICER IN COURT ROOM: Waskiell.

Q Was your conversation with these two police officers about the Bellevue Hospital episode after you had your talk with Warden Hanley? A After or before, do you mean?

Q Was it after? A It was after Warden Hanley had instructed us.

Q Warden Hanley had instructed you something about it?
A Yes, sir.

Q And it was after your talk with the warden that you communicated to officer Jacobs that he had Harrison in that line is that correct? A Quite right because that was wednesday.

BY THE COURT:

Q Did you talk with Warden Hanley about the attempt at escape by this prisoner from Bellevue? A Warden Hanley knew of it.

Q Did you talk of it with him? A I think I did your Honor.

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Q Is that right? A Quite right.

BY THE COURT:

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BY MR. TALLEY:

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(Indicating officer in court room) A Yes, sir.

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BY THE COURT:

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BY MR. TALLEY:

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(Indicating officer in court room) A Yes, sir.

THE COURT: What is your name?

OFFICER IN COURT ROOM: Waskiell.

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Q Was it after? A It was after Warden Hanley had instructed us.

Q Warden Hanley had instructed you something about it?
A Yes, sir.

Q And it was after your talk with the warden that you communicated to Officer Jacobs that he had Harrison in that line—is that correct? A Quite right because that was Wednesday.

BY THE COURT:

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Q Did you talk of it with him? A I think I did your Honor.

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Q And that is how you found out? You know you had to talk to him to find out what he knows? A Surely, yes, sir.

BY MR. TALLEY:

Q When you say that warden Hanley instructed you, you mean that he told you about the Bellevue episode, and to look out for Harrison? A Not altogether. He said to be watchful of him, that he was the kind of character of a man to make his escape if he had a chance.

BY THE COURT:

Q What did you do? A We never let him out of our custody, or out of our sight at any time, and if he was called down by counsel or called for anything, we kept a close watch on him at all times.

Q You mean you did? A Not altogether myself, but any time he came down for counsel or anything else--

Q You cannot testify as to others. A I am testifying, at any time I saw the man going through the gate, going to court or any where else.

BY MR. TALLEY:

Q Did you say anything else to any of the sheriff's men about Harrison, other than you have told us that you said to Jacobs? A Not tha I can recall.

J O H N J. C O N N E L L Y, being duly sworn, testifies as follows:

(Keeper, Tombs.)

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BY MR. TALLEY:

Q What is your full name? A John J. Connelly.

Q You are a keeper in the City prison? A Yes, sir.

Q How long have you been a keeper there? A Thirty years.

Q Were you on duty today between nine and ten o'clock?

A Yes, sir.

MR. TALLEY: will your Honor advise this witness as to his rights, please.

THE COURT: You are admonished that you are being examined and that you are not required to answer any question. You are warned, if you do make any answers, any statement or answer that you make may be used against you. So that any testimony that you give, you give voluntarily and are not required to give any. You understand that?

THE WITNESS: Yes, sir.

Q Where were you stationed this morning, between nine and ten? A At the bridge of sighs, crossing over to the court.

Q Does the entrance to that lead from the court or prison yard? A Yes, sir.

Q And that gate is about fifty feet away from the main building of the prison? A About that; yes, sir.

Q Do you know a prisoner named Richard Harrison? A No, sir.

Q Did you ever know him? A No, sir.

Q Did you see any group of prisoners come from the main building this morning and enter the gate where you were stationed? A Yes, sir.

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Q In whose custody were they? A Mr. Jacobs was leading, on the lead, and Mr. Hannigan was behind him.

Q That is, Jacobs and Hannigan were with those men?

A With those men.

Q How many men passed you? A Eleven.

Q Did you count them? A Yes, sir.

Q Did you make a note of how many there were there?

A Yes, sir.

Q Where did you make the note? A On the slate.

Q Is this the slate that is kept by you daily? (Indicating slate) A Yes, sir.

Q And it appears on that slate "S.24, Special Sessions-7." What does that mean? A Special Sessions only.

Q And "24" means what? Is that the number of prisoners?

A Altogether there is 24 for Special Sessions and seven females.

Q 24 altogether, that is, prisoners that are destined for Special Sessions, headed for Special Sessions and seven of those 24 are women? A All women.

Q The next line is the ^{figure} "1", and opposite that "11", what does that indicate? A Part 1.

Q Did you write that "11" on there? A Yes, sir.

Q And that indicated to your mind that in the group that passed you this morning there were eleven men headed for part 1 of this court; is that right? A Yes, sir.

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Q Hannigan and Jacobs were in charge of them? A Yes, sir.

Q Jacobs was leading? A Jacobs was leading.

Q And Hannigan brought up the rear, is that right? A Hannigan brought up the rear.

Q After they passed by you, where did they go? A Went over to the court.

BY THE COURT:

Q Which way did they go? You could not follow them over to the court. Did they go upstairs or downstairs through the door? A After they passed me, I just stood there and saw them going on.

Q Where are you, on the other side of Franklin street or on this side? A On the other side.

Q You are on the prison side of Franklin street, as distinguished from the court house side? A Yes, sir.

Q Where are you standing? I see a stairway over there; does that stairway go up to the bridge over Franklin street? A Yes, sir.

Q Were you standing at the top or bottom of that stairway? A In a little office like that goes up to the top of the stairs crossing over, to go across.

Q Your office does not go to the top of the stairs? A No.

Q Where is your office, at the top or bottom? A It is at the bottom of the stairs.

Q Before this line passes up those stairs which lead to the bridge, which bridge leads to the court house, you check the

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men up? A I checked the men off.

Q And you say you checked off eleven men? A Eleven men.

BY MR. TALLEY:

Q Your station is on a level with the street, isn't it?

A Yes, sir.

Q With the pavement of the prison yard? A Yes, sir.

Q The line you saw of these men was when they passed by you, and went up the stairway; is that right? A That is right.

MR. TALLEY: I offer that slate in evidence.

The same was received in evidence and marked people's Exhibit B.

Q You know Jacobs and Hannigan well, don't you? A Yes, sir.

Q Do you see them in the court room? A Yes, sir.

BY THE COURT:

Q How were these men walking, in a single file or two by two, or how? A They were walking two by two.

Q They would not be in a level line, then? A There was 11. There was one walking alone.

Q Where was that one? A He came in in the rear.

Q The last one? A The last one.

Q Who was ahead of him? A That I don't know. I don't know the prisoners' names; I don't see them very often.

Q Who was ahead of these prisoners? A The sheriff, Sheriff Jacobs.

Q Who was behind them? A Sheriff Hannigan.

Q Were there any other sheriffs with them? A No, sir.

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Q Just those two? A Yes, sir.

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Q Were any of these men handcuffed? A No. I am pretty sure they were not.

Q None of them were handcuffed? A No, sir.

THOMAS F. BURKE, being duly sworn, testified as follows:

(Deputy Sheriff.)

MR. TALLEY: Will you advise this witness, please.

THE COURT: You are warned of your rights. You are not required to answer any question that is asked you. If you do answer any question, anything that you say may be used against you, so that any answers that you give you give of your own volition, voluntarily. Do you understand that?

THE WITNESS: I do.

Q Mr. Burke, what is your full name and address? A Thomas F. Burke, 1250 St. Nicholas avenue.

Q And your position is what? A Deputy Sheriff in charge of the Criminal branch, in the Sheriff's office.

Q Were you on duty as deputy sheriff this morning in the City prison? A I was.

Q What time did you report for duty? A About nine o'clock, between 9 and 9.05.

Q And did you go up to the receiving desk where Keeper Marshall was this morning? A I went right straight into the

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prison, past Marshall, went up a flight of stairs, through the office, and into what they call the flats over there, the first tier.

Q What did you do there? A We waited until they called the prisoners down from the tiers.

Q Do you know a prisoner named Richard Harrison? A I do.

Q Did you see him this morning? A Yes, sir.

Q Where was he this morning when you first saw him? A He was with the rest of the prisoners, and Mr. Marshall, the keeper lined them up and called them out for us.

BY THE COURT:

Q Which is Marshall, what does he do? A He calls the prisoners out as the prisoners are wanted for the different parts.

Q Did he do that this morning? A Yes, sir.

Q And lined them up, as you say? A We lined them as he called them out.

BY MR. TALLEY:

Q Called them out by name? A Called them out by name.

Q Then you and your assistants lined them up in front of the jail? A Alongside of the cells, where they have been lined up right along since I have been the deputy sheriff.

Q Then they were checked off by name? A Checked off.

Q And how many were in that group? A There was eleven for Part I, and one for Part IV.

Q After they were checked up, where did they go? A Why, I

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took this prisoner for Part IV. and I cuffed him to myself and took him across to the prison on the other side of the building here, and turned him over --

Q What part? A Part IV, to the pen of Part IV. Then I went and put on my coat and came back here to help those men with the other prisoners, and as I was coming through the door Hannigan came in and says, "One of the prisoners escaped."

Q When you took your prisoner that was to go to Part IV, he was one of the twelve? A Yes, sir.

Q You handcuffed him and you brought him over to Part IV? A Part IV, pen.

Q To Part IV pen and left him there? A Yes, sir.

Q Where did you leave the other prisoners? A With Jacobs and Hannigan.

Q Where? A In the Tombs.

Q What part of the Tombs were they in when you separated from them? A Right at the cells, where they assembled them, where they assembled them in front of the cells. That is, on this side, on the north end.

Q Was that after you had gotten by Marshall's desk? A I had passed Marshall's desk with the prisoner, brought him down and brought him across to Part IV.

BY THE COURT:

Q He asked you when you left the other eleven, was it before or after you passed Marshall's desk? A Before. I left

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before they took the prisoners over.

BY MR. TALLEY

Q So that the last you saw of Harrison and the group of prisoners that he was in, was at that time? A When he was in the line.

Q They were in the line near Marshall's desk? A No, not Marshall's desk. Marshall's desk is outside of the prison proper. He assemble all prisoners inside and alongside of the cell.

Q Marshall's desk is at the head of the stairway that leads up to one of the tiers. You don't call that outside the prison, do you? A I mean that is not the prison, but it is inside the gate.

Q Was it before these other prisoners had gotten to where Marshall's desk was, that you took your man and went away with him? A I had taken out that prisoner with the understanding that I was to meet them, try to come back and meet going down stairs.

Q What was the name of the prisoner that you took? A I don't know now; I cannot tell you that.

Q Can you tell from the prison sheet? A We don't know their names, only as they are called out and assembled.

Q Could you tell by examining this prison sheet? A No, I don't know his name at all.

Q What can you tell from? A All I can tell, I brought the prisoner over.

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BY THE COURT:

Q Have you any way of knowing or any check by which you can tell which prisoner you brought over? A Yes, the check on the sheet.

BY MR. TALLEY:

Q That is, the sheet from Part IV similar to this one from Part I? A Yes, sir; we get their photographs from the District Attorney's office.

Q Tell me this, was the prisoner that you took Richard Harrison? A No, sir.

Q You know him? A I know him. The reason I know him was the day he was brought in the Tombs I was on the bail cases, and some detectives brought him in. Warden Hanley was there with me and the detectives told us something about him feigning, and that he was lame or something, and he kind of shook his feet and said, "I was only kidding."

Q Did you know anything about the attempt to aid him to escape from Bellevue Hospital? A No, sir.

Q Never heard about that? A Never heard that. The only thing I heard about him feigning, and his dancing with his feet.

Q There is a prisoner named Fred Faduan, who is recorded in the prison book as being brought over to Part IV.? A That must be the man I have taken over.

Q He is receipted for by the initials "A.J." A Yes, sir, Jacobs.

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Q Who is Jacobs? A They are transfer men in the different prisons in which they serve; they take prisoners, guards; they are responsible. I just superintend the work.

Q What is Jacobs title in the prison office? A He is a prison guard.

Q What is Hannigan's title? A Prison guard.

Q And you are deputy sheriff? A Deputy sheriff in charge.

Q You are in charge and superior to both of these men?

A Give orders to them, yes, sir.

Y THE COURT:

Q Why should Jacobs -- explain that to me again-- why should he receipt for the men that you take over? A There is three shifts, your Honor. There is a Supreme Court shift, there is a transfer shift here for the building, and a transfer shift for the prisoners being taken over to other institutions. We have whatever men take prisoners out of the Tombs, the respective shifts, sign for their prisoners, the keepers who take the prisoners to State prison, Penitentiary or other institutions. As they go in the Tombs, they go by Marshall or whoever is in charge of that desk, and check those prisoners, and then they turn around and sign for them in the book and they check them to the institutions to which they are consigned. The same way with the prisoners that are brought over there, bail cases or anything of that kind. The prison guard who goes over

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there guards the prisoner, and he signs for the transfer and the safety of that prisoner so as to know who has taken him out of the Tombs.

BY MR. TALLEY:

Q Do you know whether these other prisoners were handcuffed? A They never have been handcuffed.

BY THE COURT:

Q He did not ask you that. A What other prisoners?

BY MR. TALLEY:

Q These eleven other than the ones that you had yourself? A No, sir; they were not handcuffed.

Q You say they never are handcuffed? A They never have been handcuffed since I have been there, and from what I understand, previous for seven years, from one of the keepers that has been there along time. I understand they never have been handcuffed since his time.

Q But did you handcuff your men? A We always handcuff all prisoners when we pass them across the hall or take them out in the street or to any portion of the building.

Q Is not that because they do not leave the prison; that they are not handcuffed if they go to Part I? A That is the idea.

BY THE COURT:

Q What do you mean by, "they do not leave the prison building? A When we bring them up, we do not bring them out to the corridor, Your Honor. That is the reason we lock those

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doors when we bring prisoners across the hall. All the prisoners for Part I and part I I as well as for the other parts were always brought across and handcuffed and put in the jail, but when the Magistrates' Court was removed from below, then we were not compelled to bring the prisoners down through that way and we have never had them handcuffed. The courts were placed where the Magistrate s formerly were and at that time Sheriff Gilchrist and I went over the matter very thoroughly and I suggested iron doors being put in, the same size as these wire doors, so that they need not be closed when we brought prisoners through.

BY MR. TALLEY:

Q Do you handcuff all prisoners that are taken across the corridors? A Yes, sir.

Q And the only prisoners that are not handcuffed are the ones who are headed for court rooms on this side of the building? Is that correct? A That is right; yes, sir.

Q Now, Sheriff, will you describe for the Court the various stairs, stairways and gates through which the prisoners pass that are brought from the Tombs over to this court room; begin with the gate at which Keeper Connelly stands with his slate.

A No, Keeper Connelly is not the first man. Pat Coffee, I think is the man that is in charge on the first flats. He has the first gate to let us out after the men are assembled and are O.K'd .

Q You are let out where? A That is the first gate, lead-

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ing out from the cells on the first tier.

Q Where are you let out to? A We are let out in front of the office, the desk of which Mr. Marshall is in charge of.

Q That is only one flight above the street, isn't it?

A Yes, sir. Then we cross out through another swinging door which is composed of wood and glass. We then turn to the left and we turn downstairs and there is another iron gate which is always open; that is the winding stairs going up through the entire building; and then we go downstairs and we come through another gate. We then turn to the right and pass the street coming out, and the gate that closes between the gate and the little passageway which runs north and south with two doors on it. We then turn to the left. That gate is always closed by the keeper who is in charge of that gate. We then turn to the right and come down in the yard, go down some steps and then across the court yard and go up three steps and ring a bell, if the gate is not open, and the man generally in charge is Mr. Connolly, that old gentleman, and he opens the gate; and as he opens the gate, as a rule, we give him the count of men we are bringing over for trial, and he counts the men, Generally I am the last man, that is, if we got a batch of men, I generally follow them up, and he gives the count to us that they are right. That is the custom, I say, always, that when we have a batch of men, the first man gives him the count and the last man gets

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it from him.

Q You took your man out through the Toxbs? A Yes, sir.

Q And did not bring him up through the various gates and stairs that you have described? A No, sir. I brought him out and brought him right upstairs, right in the pen.

BY THE COURT:

Q What, if anything, to your personal knowledge, was done to particularly safeguard this prisoner, Harrison? A The same condition as prevailed ever since I have been in charge, and I want to say here in open court and make it clear that two more trustworthy men, I have never had in my employ up there.

Q I did not ask you that. I asked you what, if anything, was done in the case of Harrison to safeguard him, as distinguished from any other prisoner? A We did not particularly take any particular interest in him any more than the others. We generally brought them all over together, and take the same precautions as we have done in the past.

Q You take no different care as between a man charged with murder in the first degree and a man charged with grand larceny?

A We don't know what they are charged with. I am not familiar with every case that is brought across here for trial. We are not told what he is charged with. It is merely with us, as you see there; that is put down there, just^{to} bring the prisoners across, and that is all we know about it.

BY MR. TALLEY:

Q This sheet indicates-- A (Interrupting) Is there

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anything on those sheets?

Q There is nothing on those sheets to indicate the crime. On one of the copies of the sheet is the word "homicide" written, which is apparently scratched out on the duplicate; but on the others, which Mr. Marshall testified he saw, it merely contains the words "G.S." opposite Harrison's name?

A Yes.

BY THE COURT:-

Q Meaning General sessions? A Yes, sir. That is all we know. As a rule we don't ask the crime. Of course, if a man is on a specific trial, then we know what his charge is.

Q Was anything said to you by any warden or deputy warden or officer in the City prison with respect to Harrison? A No, sir. The only thing-- nobody even spoke to me-- Warden Hanley was there when two detectives, possibly there might be three, I don't know -- I was over getting a bail, a cash bail, that was brought down there, and the cash bail had just been finished and I was turning out of the gate and I saw this excitement there, and he said: "I thought you were lame," and he said: "Why, I was only feigning lameness."

MR. TALLEY:

Q When was that? A I could not tell you exactly.

Q That is all you know about Harrison? A Yes, sir; that is all I know.

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PATRICK J. SLEVIN, being duly sworn, testifies
as follows:

(Main Office Division, Detective Bureau.)

BY MR. TALLEY:

Q You are a detective in the Police Department of the city of New York? A Yes, sir.

Q Have you been assigned, were you assigned, in the case of Richard Harrison, a prisoner charged with Homicide? A Yes.

Q Just what were the circumstances of the crime of which he was charged, just in a word? A Homicide.

Q He was charged with killing whom? A George Griffiths.

Q When was your attention first called to prisoner Harrison? A September 11th.

Q Did you make the arrest? A No, sir.

Q Who did? A Detective Maskell.

Q Is he working on the case with you now? A Yes, sir.

Q Was Harrison sent to Bellevue Hospital? A Yes, sir.

Q Were you informed of any attempt made to aid him to escape, while he was in Bellevue Hospital? A Yes, sir.

Q What was your information on that point, without indicating from whom you got it? A I was called on the telephone Thursday night, September 12th. A man said that Harrison was going to get out of prison; said, "You had better watch him."

Q Thereafter, did you go to Bellevue Hospital? A First I communicated with Inspector Gray and informed him of my in-

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formation.

Q -Was anything said by your informant about the manner in which they were to get him out? A No, sir; not at that time.

Q Did you go to Bellevue Hospital? A Yes, sir.

Q Did you find these implements in Bellevue Hospital (indicating). A Not at that time.

Q When did you find them? A On a Saturday, September 14th

Q Where did you find them? A Detective Maskiell found them in my presence.

Q Whereabouts? A Under the water tank in the toilet of the prison ward of Bellevue Hospital.

Q Do you identify these in any way with the information you received as to the attempt made to aid Harrison to escape? A Yes, sir.

Q Why? A From the information I received. The man told me that there were three saws in a paper under the toilet box in the prison ward at Bellevue Hospital. I went there with Detective Maskiell, and while searching Detective Maskiell found the saws.

Q Are these the saws? A Yes, sir.

MR. TALLEY: I offer them in evidence.

Offer withdrawn.

Q Did you say anything to Warden Hanley or any official of the City Prison about your investigation at Bellevue Hospital? A On Saturday morning, September 14th, when I brought

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Harrison to the Tombs, Keeper Marshall said, "What are you bringing him here for? He should be arraigned in 54th street prison." "Well", I said, "there is another prisoner up there, and under direction of Mr. Renaud, I want to keep them separate." So he said, "Well, we have a man upstairs here gave us some information that Harrison was going to get out of Bellevue Hospital." I said: "I heard that, too. I was just going to tell you to be careful with him."

Q You told that to Marshall? A Yes, sir.

Q Did you have any talk with warden Hanley on that subject? A Not at that time. I did ask if I could talk to the prisoner.

BY THE COURT:

Q At any time did you talk with warden Hanley about it? A It may be two or three days later.

Q What did you say? A Warden Hanley spoke to me about Harrison.

Q Tell us what you said. A I told him,-- I said: "Now you got this man Harrison back here again. That is the man that gave us trouble here sometime ago." He says: "Yes, I know that." And I told him about what I had learned of him going to do in Bellevue Hospital.

BY MR. TALLEY:

Q What trouble did you refer to sometime ago? A Harrison was stabbed in the Tombs.

Q How long ago? A Well, I cant say, about a couple of

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years ago.

Q A year or two ago, wasn't it? A A couple of years ago.

MR. TALLEY: Anything further, your Honor?

BY THE COURT:

Q What did warden Hanley say when you had this conversation with him? A I told him about the information.

Q You are telling what you told him. I am asking what he said? A He said: "Yes, I know." But I had told the deputy keeper on Saturday, September 14th the information that I had learned about Harrison in Bellevue Hospital.

BY MR. TALLEY:

Q You mean the deputy warden? A Yes, sir.

Q Is that Mr. Bremmel, the short, stout man? A A short stout man; yes, sir; I don't know his name.

Q Is he headkeeper or is he deputy warden? A Deputy warden.

Q What did you tell him? A I told him about the information, about Harrison going to get out of Bellevue Hospital.

Q What did he say? A He said, yes, he was told by Mr. Cummings, the day before. It was on Saturday I spoke to the deputy warden. On the 14th I spoke to the headkeeper, Mr. Cummings.

Q You told him substantially the same thing? A Yes, sir.

BY THE COURT:

Q What did you tell him? A I told him that I had informa-

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tion that Harrison was going to get out of prison. I asked if I could have permission to talk to the prisoner upstairs. He said I could. After finishing the conversation with the prisoner, I told Mr. Cummings about the saws in Bellevue Hospital, that I was going to go over there and get them, which I did.

Q Who is this headkeeper, you say you talked to? A Mr. Cummings.

THE COURT: Mr. Cummings, is he here?

MR. TALLEY: We shall have him here very shortly.

THE COURT: I don't know that we need him.

MR. TALLEY: He is not here.

THE COURT: There is such a person as Cummings?

MR. TALLEY: Cummings is the head keeper. Bremmel is the deputy warden to whom he spoke.

JOHN J. HANLEY, being duly sworn, testified as follows:

(Warden, Tombs.)

THE COURT: It is my duty to advise you that you are not obliged to answer any question that may be asked you. If you do make any answers or give any testimony, it may be used against you. Any statement that you may make or any answer that you may give must be given voluntarily. Do you understand that?

THE WITNESS: I do.

BY THE COURT:

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Q You are the warden of the City prison? A Yes, sir.

Q You heard this last witness upon the stand? A I heard part of his testimony.

Q He testified that he had a conversation with you in which he stated that the prisoner Harrison charged with murder, made an attempt to get out of Bellevue, and that he attempted to escape from prison, or words to that effect. Do you recall such a conversation? A I had such a conversation but I do not recall the day. I remember him speaking about it.

Q And the witness said that you answered in that conversation to the effect that led him to believe that you understood and knew these facts? A Somebody else had told me prior to that.

Q Did you take any special or additional precautions with respect to Harrison, other than you had taken to guard all prisoners in your custody? A I did.

Q What did you do? A I found out that there was four of them, that is, three others besides he, that were very friendly, and they are always together, and I separated them. I put Harrison from the fourth tier to the third. I don't recall the other man's name, down on the first tier. Another man was sent away the following day, leaving the fourth man still remaining on the fourth tier. He has since went to state prison.

Q Anything else? A It is up to the keepers to have an eye to him, no matter where he went.

Q Did you speak to any of the keepers? A To the man on

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the third tier, particularly, Mr. Hanley.

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Q What did you say to him? A To watch him, no matter where he went.

Q Did you give any instructions with respect to the charge to be taken of this man when he was turned over to the Sheriff's office? A No, I did not.

Q Did you speak to any Sheriff's officer? A About him?

Q About this man? A Not that I recall.

Q Do you know or did you hear any deputy or subordinate of yours speak to any Sheriff's officer concerning him? A I did not hear them.

BY MR. TALLEY:

Q When do the prisoners being sent to the court rooms leave your custody? A Before half past nine.

Q I did not refer particularly to the time by the clock, but at what period of their transfer do they pass from your hands into the hands of the Sheriff's men? A In the morning.

Q But where, at what stage of their movement? They are taken out of the cell; they are then in your custody, aren't they? A Yes, sir.

Q They are sent down the stairways. They are still in your custody, aren't they? A Yes, sir.

Q They are arraigned before the receiving clerk, who happens in this case to be Marshall? A Yes, sir.

BY THE COURT:

Q That is on the first tier? A Yes, sir.

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Q Is that where Marshall's desk is? A He is outside the tier. There is a gate dividing them.

Q He is on the first floor? A On a line with the first tier.

BY MR. TALLEY:

Q They are still in your custody there? A Yes.

Q When do they leave your custody and pass into the control of the Sheriff's office? A As soon as the Sheriff signs a receipt for them and they are turned over to his keepers, after being checked up.

BY THE COURT:

Q Where does that take place? A In on the first tier.

Q That is, in front of Marshall's desk? A No, inside on the first tier proper. There is eight flights of stairs leading, one to each tier, and the prisoners from the various tiers that are wanted for court are sent down on the first tier, and on the first tier they are checked off by the keeper and turned over to the Sheriff and he receipts for them.

Q So you permit the Sheriff's representatives to come in to the prison which is in your jurisdiction, for the purpose of taking into their custody prisoners that are wanted in the court house for trial? A We do.

Q And to bring those prisoners over to the court house?

A We do.

Q Your officers do not bring any one to the court house,

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A Not General sessions. We do Special sessions. We bring them over the bridge and turn them over to the Court of Special Sessions officers.

Q But in General sessions you do not bring them over the bridge? A No, the sheriffs handle them.

BY MR. TALLEY:

Q That is, the receipt by the sheriff, indicated upon the book which has been offered in evidence at page 93 as People's Exhibit 6, is the receipt of the Sheriff indicated by initials in pencil opposite the names of the prisoners? A Yes.

Q And your statement is that when that book is signed by the Sheriff's guard or deputy sheriff, that the prisoners pass out of your control into the hands of the Sheriff? A They do.

Q How long have you been warden? A Seven or eight years.

Q And how long a keeper or deputy warden in the City prison? A About thirty years all told.

Q And how long has this practice prevailed? A Since I am in the office.

Q Since you have been in the office? A Yes, sir.

Q Some thirty years? A Yes, sir; more than that, I guess.

Q The sheriffs have always come into the prison? A Always.

Q And taken them about the same way as they were taken this morning? A They have to; yes, sir.

Q Have you ever suggested any change, made any recommendations, as to that method? A You could not do anything better.

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Q Do you know any better method that might be adopted than the one which you have described? A I don't know of any other under the conditions.

Q Have you ever made any suggestions as to the number of sheriffs who should take these prisoners? A I have nothing to do with that, sir.

BY THE COURT:

Q If you had twenty prisoners called for by the District Attorney to be produced in court for trial, and one deputy sheriff should present himself for the twenty, would you turn over the twenty men to the one deputy sheriff? A I sure would. I have to honor the Court's request. But at different times I loan a keeper, have a keeper tail them up; have the keeper follow them over to the other side. I am not supposed to do that, but I do that to protect him. I guess only two or three days ago when the same sheriff, Mr. Jacobshad about twenty men going over, I was going myself, and I left the keeper in the yard and I sent him over instead, tailing him up.

Q You never made any request to the sheriff in regard to the number of deputies? A No, sir; I have nothing to do with that.

Q Supposing that there was a request came over to produce for trial a certain number of prisoners and no deputy sheriffs appeared, what would you do then? A We don't handle them that way. That is up to the Sheriff. I don't transfer anybody at

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all.

BY MR. TALLEY:

Q You regard your duty is to detain the prisoners? A That is all.

Q You regard it as the Sheriff's duty, as you understand your business, to transfer them. Is that what you want to explain? A Yes, sir.

BY THE COURT:

Q You say that is different in regard to special sessions? A Yes.

Q Why? A I don't know. It has been the custom, as long as I know, for the keepers to take them over and turn them over to the Court officers on the bridge.

BY MR. TALLEY:

Q Do you know why there is a difference in those respects? A No, I do not. I just follow custom.

Q Warden, is this the explanation for the difference between the custom prevailing in regard to special sessions and general sessions: Only misdemeanor cases are handled in special sessions-- is that true? A That is all.

Q And special sessions, the judges of that court are appointed by the Mayor of the city? A They are.

Q It is regarded as one of the city department courts, if you can use that expression? A I guess it is.

Q You are in the employ of the Department of Charities--

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is that correct? A I am.

Q And in those two respects, the Court of Special Sessions differs from the Court of General Sessions, where felonies are tried -- is that correct? A That is right.

Q And in Special Sessions sentences are frequently imposed which put the prisoners for the terms of their sentences into your hands -- is that right? A They are.

Q And that also applies in some cases in General Sessions? A Very rarely, though.

RECESS.

RECESS, 3 P.M.

JOSEPH R. TALLEY, being duly sworn, testified as follows:

(Acting Detective Sergeant, 25th precinct.)

MR. TALLEY: There is no need of advising this witness as to his rights as I see it, in view of the fact that he is not connected directly with the escape.

BY MR. TALLEY:

Q You are connected with the Police Department of the City of New York? A I am.

Q You are a patrolman, acting as detective sergeant?

A Yes, sir.

Q You were promoted after the arrest of Rickie Harrison?

A Yes, sir.

Q And promoted because of your arrest of Rickie Harrison?

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A Yes, sir.

Q Were you in uniform at the time of his arrest? A I was

Q Where did you arrest him? A I arrested him at about
104 West 45th street.

Q And charged him with homicide? A Yes, sir.

Q Who was he charged with killing? A George J. Griffiths.

Q And what generally, were the circumstances of the killing? A This man, acting in concert with four other men, went up in the clubroom and held the men up at the point of a revolver taking their valuables. They started to go downstairs. When I came upon the scene, that is, walked in the doorway, they were on the stairs. They commenced firing at me and I shot at them.

Q Who commenced firing at you? A Some one in the middle of the crowd coming down. There was five or them on the stairs.

Q They were coming down and you were going up? A Yes, sir.

Q They fired at you, and what did you do? A I fired on them. The first man jumped over the stairs and the other men ran; they were running upstairs and I fired at them and kept on shooting. When I reached the top of the stairs, some of the crowd were jumping over a roof there on to 45th street. I ran out and I saw one of them turning west on 45th street. I went after him and got him.

Q They jumped from this roof at about what premises?

A They jumped over a roof there, about 104 West 45th street, a one story roof.

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Q Which one of those men turned out to be Rickie Harrison?

A The man that turned west.

Q Did you fire at him? A Not out on the street.

Q He was put under arrest by you, was he? A Yes, sir.

Q And taken where? A Taken back to the scene, 787 6th avenue.

Q And from there, where did you take him? A 26th precinct.

Q And from there where did you take him? A He was taken to Bellevue Hospital, Prison ward.

Q What was he suffering from, if anything? A With a fracture of both ankles.

Q Caused by his jumping to the sidewalk? A Yes, sir.

Q Did you actually bring him to Bellevue? A No, sir.

Q Who brought him there? A Another policeman.

Q How many days was he in Bellevue? A About six, seven.

Q Did you convey him from Bellevue to any place else?

A Yes, sir.

Q Where? A To Police Headquarters.

Q And from Police Headquarters, where did you bring him?

A To the seventh Court.

Q Was he held in the seventh Court by the magistrate?

A He was held by the magistrate.

Q And then where did you bring him? A To the Tombs.

Q And you lodged him in the Tombs? A Yes, sir.

Q On what day, do you recollect? A I have the book, if

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I may refer to my book.

Q Refer to the book and give us the day on which you lodged him in the Tombs? A On Saturday the 14th.

Q When you went to the Tombs with your prisoner who was with you? A Detective Slevin.

Q Whom did you see in the Tombs? A Marshall, a man by the name of Mr. Marshall.

Q Marshall, the keeper in the City prison, who was on the stand here this morning-- is that right? A Yes, sir.

Q Did you and Slevin have a talk with Marshall about Ricardo Harrison? A Slevin had a talk with him. I heard the conversation.

Q And what did Slevin say to Marshall about Harrison? A Well, Marshall spoke first. Marshall said to Slevin, he said, "What did you bring this man down here for?" And Slevin said: "Why?" Because you know we had enough trouble with that fellow in the Tombs sometime ago," he says, "Not only that" he says, "but we got a man here that said they tried to make an escape up in Bellevue, the prison ward."

Q That is, Marshall said this? A Yes, sir.

Q What did Slevin or what did you say in response to that?

A Slevin said: "Could I have a talk with this man."

Q Did Slevin have a talk with him? A Yes, sir.

Q Were you also with him when he had the talk? A No, the talk was confidential between Slevin and this other party.

Q Between Slevin and this other person in the Tombs?

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A Yes, sir.

Q Did you then or later on talk with Warden Hanley about Harrison? A Detective Clevin had a talk with him, but that talk was confidential.

Q You did not hear it? A I did not hear it.

Q Did you have a talk --

BY THE COURT:

Q When you say confidential, you simply mean that you were not present? A I just stood aside and let the two of them talk together.

BY MR. TALLEY:

Q In a private talk? A In a private talk.

Q That you did not hear? A I did not hear.

Q Did you have any talk with any warden, deputy warden or keeper in the City prison about Harrison? A I had a talk with Marshall.

Q You told us about that, haven't you? A That is it; yes, sir.

Q After the talk you had with Marshall, when you first brought Harrison in, didn't you later have a talk with Marshall,

A Yes, sir.

Q And what did you say to Marshall, and what did Marshall say to you? A I told Marshall that we had found the saws up in Bellevue. This was after we had found the saws in Bellevue prison yard.

Q What did Marshall say to that? A He says: "You will

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have to keep an eye on him." Q Did you have any talk with any other employee in the City Prison? A No, sir.

Q You are the man that found the saws in Bellevue Hospital? A Yes, sir.

Q You got some information that an attempt was to be made to help Harrison to escape from Bellevue, did you? A Yes.

Q And you investigated that? A Yes, sir.

Q You went to Bellevue and found the saws there, is that correct? A Yes, sir.

Q Were those saws found while Harrison was in Bellevue? A No, Harrison had gone.

Q How long before you found the saws had he been taken from Bellevue to the Tombs? A We found the saws about Saturday at 12.30 P.M., and he was taken from Bellevue about Friday afternoon some time.

Q Was he in Bellevue at the time you got your information of the attempt to aid him to escape? A I think he was.

Q Where did you find the saws? A There is a partition between the two bowls of the toilet and on the top of that partition underneath the flush bowl.

Q Was that on the same floor as the prison ward of the Bellevue Hospital? A Yes, sir.

Q And how close to the ward itself where Harrison was confined? A It leads right into the ward.

Q When did you first learn of his escape this morning?

A About 10 o'clock, on my way over to special sessions.

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Q Did you have a case in Special Sessions? A Yes, sir.

Q By the way, Markiell, did you place a young woman under arrest today in connection with this case? A No, sir.

Q Is your side partner, Slevin? A Not that I know of; yes, sir.

Q Didn't you pick up Harrison's girl this morning? A I did not place her under arrest. We was talking to her.

Q You got her, didn't you? A Yes, sir.

Q Took her to Police Headquarters, didn't you? A Yes.

Q She is there now, isn't she? A I don't think so.

Q What is her name? A I don't have her name. Detective Slevin has her name.

THE COURT: What has this to do with this proceeding,

MR. TALLEY: This particular hearing, nothing particularly.

THE COURT: I do not think we need go into that now.

DAVID W. FROST, being duly sworn, testifies as follows:

(Sheriff, New York County.)

THE COURT: It is my duty, Sheriff, to advise you that you are not required to make any answers to any questions that are put to you; that should you desire to answer any questions which are put to you, any statement which you may make, or any answers which you may give, may be used against you, and that any answers that you give are

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entirely voluntary. You understand me?

THE WITNESS: I do.

BY THE COURT:

Q You are the sheriff of the County of New York? A The Sheriff of New York County, yes, sir.

Q And do you designate the men who are to bring prisoners from the City prison to the Court of General Sessions? A I do.

Q And what men have you assigned to that duty? A I have six men. Thomas J. Burke has full charge of the six men; the six men are exclusive of, J. Burke, the head.

Q Do you know which of these men were on duty this morning, about 9 o'clock? A Well, Jacobs and Hanigan.

Q Had you any personal knowledge as to the number of prisoners that they were required to bring to the Court of General Sessions? A No, sir.

Q Have you given any instructions as to the number of the prisoners which any one sheriff is to take in charge and bring to the Court of General Sessions? A No: I left that to their own judgment.

Q Have you given any instructions as to the method of bringing over persons charged with murder in the first degree, as distinguished from any other person? A Well, your Honor, we don't know the men, what crime they are convicted of.

Q You could find out by asking. I am inquiring whether you have made any arrangements to inquire as to the character

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of any prisoners, as to whether any special care is taken in any given cases or whether all are treated in the same manner?

A I have told the men from time to time to use every precaution; I have told them verbally and also by letter to use every precaution; and if they did not have sufficient men, to call upon my office to help.

Q You have other men that could be assigned to help them?

A At times; yes, sir.

Q Did you receive any information that there was one charged with murder in the City prison, namely, Harrison, who had attempted to escape from Bellevue Hospital just before his removal to the City prison? A No, your Honor.

Q Had you been informed at all respecting him by the warden of the City prison? A No, your Honor.

Q Did you have any personal conversation with Deputy Sheriff Jacobs, Hanigan or Burke, with respect to their duties?

A None, no.

Q You never have spoken to them personally in respect to their duties? A Only to be very careful in the way they handled the prisoners.

Q You mean, you have spoken to these particular deputies?

A To all the deputies.

Q Addressed them generally? A Yes, sir.

Q That was when you took office? A Took office; yes, sir.

Q Have you given any instructions to the sheriffs as to

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whether any prisoners should be handcuffed under any circumstances? A I stated that when they pass through the corridors they should close the gate, and to use handcuffs where they thought it was required.

Q It appears from the testimony so far adduced, sheriff, that two of your deputies were bringing eleven prisoners from the City prison to the Court of General Sessions; among these eleven was one by the name of Harrison, who was charged with murder in the first degree, and that these two deputies had taken the eleven into custody in the City prison, and were marching them to the Court of General Sessions. Have you any information with respect to any special instructions being given this morning to either of these two deputies? A No, sir; I have not.

Q Or as to their attention having been in any way called to the fact that one of the eleven was this man Harrison who had attempted to escape from Bellevue and threatened to escape from the City prison? A No, sir.

BY MR. TALLEY:

Q Sheriff, how many deputies are under your control?

A You mean this branch?

Q Deputy sheriffs, how many are there? A This branch of my office?

Q No, your entire office? A About 75, the entire office, I mean.

Q Out of your 75, there is only one who is detailed to

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take charge of prisoners in this building? A That is all.

Q Is that correct? A That is correct.

Q And that is ^{Thomas} J. Burke? A That is correct.

Q And how many prison guards have you in your office?

A Six.

Q And all of those six prison guards are assigned to this building-- is that right? A To this building; yes, sir.

Q Have you ever made any endeavor to have any other deputy sheriffs or other prison guards designated for this work?

A I have applied to the Board of estimate for additional men.

Q Additional what, prison guards or deputies? A Prison guards to handle the prisoners.

Q When did you apply for them? A Verbally, the early part of September, and by letter September 12th.

Q Of this year? A This year.

Q How many additional guards did you ask for? A Three.

Q Did you make any request prior to September of this year for additional prison guards? A Prior to this year?

Q Yes, sir. A I first took office January 1st.

Q You went into office last January? A Last January, yes.

Q And this letter was sent in contemplation of the preparation of the budget-- is that right? A Certainly.

Q You asked that salaries be provided for three additional men? A Yes.

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Q Has that request been passed upon? A Not yet.

Q Why could not you assign some of your other seventy odd deputies to assist Deputy Sheriff Burke in this work? A Well, our office is just about as busy as it can be.

Q What are the other deputies doing? A Well, they have different cases, orders of arrest, attachments etc. But I did notify Sheriff Burke that if he required men, if it was absolutely necessary that he should require help, to let us know and we would send men over here, as we have done here in another case this year.

Q What men would you send if such a request were forwarded to you? A We would send our Deputy Sheriff.

Q Did you have any Deputy Sheriff this morning available for that work, if they had been sent for? A We could have furnished them.

Q My point is this, is there other work that occupies the time and attention of all the other deputy sheriffs in your office? A You understand, there are only fifteen deputies and fifteen specials.

Q What are the others? A Assistant deputies.

Q Fifteen deputy sheriffs? A Yes, and fifteen assistant deputies.

Q And who are the others that you enumerated in the seventy five? A The rest are clerks, the warden of the jail.

Q I was not referring to them. Then, the fact is that

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you have about thirty men who would be available for work similar to the transferring of prisoners-- is that correct? A That is correct.

Q But those men are engaged on civil matters, matters connected generally with the civil courts-- is that what you desire to say? A (Not answered.)

BY THE COURT:

Q In addition to the thirty, you also have these guards?
A We have the prison guards.

Q How many of those? A Seven altogether including Burke.

Q Burke is not a prison guard -- you have six prison guards? A Six prison guards.

Q Burke, as I understand, is a deputy? A Yes, sir.

ERNEST IFFRIGER, being duly sworn, testified as follows:

THE COURT: Do you speak English?

THE WITNESS: Yes, sir.

MR. TALLEY: Will your Honor advise this boy as to his rights in this matter if you think it necessary. I will say a word to his counsel, if your Honor will indulge me for a moment.

Q Iffrige, you are a prisoner now, are you not? A Yes.

Q And you have previously in this court pleaded guilty to the crime of forgery in the second degree, have you not?

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A Yes, sir.

Q And you are on for sentence in this court this morning?

A Yes, sir.

Q And you were brought over from the Tombs prison this morning with certain other prisoners? A Yes, sir.

THE COURT: May I inquire whether the name of this prisoner appears upon People's Exhibit 3?

MR. TALLEY: It does so appear.

THE COURT: That is the list checked at the desk?

MR. TALLEY: Yes, sir. It also appears on People's Exhibit 1.

Q Your name is Ernest Iffrige? A Yes, sir.

Q Do you know a man named Rickie Harrison? A No, sir.

Q I show you a photograph and ask you if you saw a man whose photograph that appears to be in the crowd with you this morning? A (Examining photograph.) I could not recognize him.

Q You could not recognize him? A Not after this picture.

Q You could not recognize him from that picture? A No; it is not good enough.

Q What tier were you on? A Sixth tier.

Q Were you brought down from the sixth tier with any other prisoner this morning to appear in court? A Yes, sir.

Q Did you see the men with you being checked off by any guards or men there this morning in the Tombs? A Yes, sir.

Q And was your name called off? A Yes, sir.

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Q And did you hear the name of Harrison called off? A Yes.

Q And did you see the man that answered to the name of Harrison? A Yes, sir.

Q Having seen the man that answered to that name and seen this photograph, can you state whether the man that answered to the name of Harrison looked like that photograph? A Well, he looks better. I don't know. He looks better.

Q Did the man who answered to the name of Harrison look like that picture that you have before you? A I don't think so.

Q Now, you were taken over from the Tombs by how many men? A Two men.

Q Do you know their names? A No, sir.

Q Would you know them if you saw them again? A Know one of them.

Q You know of him by name or by sight? A Not by name, by sight.

Q Do you see him in the court room? Stand up and see if you see the man? A No.

Q Suppose you walk down, if there is no objection on the part of the Court; walk down to this rail and look carefully over everybody here? A (Not answered.)

MR. TALLEY: (To court officers) Take him down the aisle there.

(The witness proceeded through the courtroom and placed his hand upon a man seated in the room.)

Q Do you see any other guard that came over with you be-

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sides the one that you have just placed your hand upon? A (Not answered.)

MR. TALLEY: Will the man upon whom this witness placed his hand stand up. You are Hanigan, are you not?

MR. HANIGAN: Yes, sir.

Q Is that the man you identified as being one of the two men that came over from the Tombs with you this morning? A I think so, I could not swear to it.

Q Well, you put your hand on the man that is now standing up, indicating prison guard Hanigan-- is that right? A Yes, sir.

Q You passed from the main building of the Tombs across the courtyard, didn't you? A Yes, sir.

Q Then did you see a man counting and writing on a slate? A Yes, sir; two of them.

Q They were in the uniform of keepers? A Yes, sir.

Q And after you passed those men, where did you and the others go? A Up the stairs.

Q How many flights of stairs? A Two.

Q Then, having gone up two flights, did you go down any flight of stairs? A Yes, sir.

Q Do you know where that flight of stairs is located? A Right here in the court room.

Q You think it is here in the court room, is that right?

A Yes, sir.

BY THE COURT:

Q What did you do, go across the street on a bridge?

A Yes, sir.

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BY MR. TALLEY:

Q Then you came into this building and then down a flight of stairs? A Yes, sir.

Q And did you march two by two? A No, sir.

Q In pairs? A No, sir.

Q Did you march in single file? A Well, I was all alone.

I was by myself, had nobody next to me.

Q How many men were in front of you, and how many men behind you? A I was about in the middle.

Q You were about in the middle? A Yes, sir.

Q Did you see one of the prisoners who came over with you walk away from the group? A Yes, sir.

THE COURT: Just tell us what happened.

MR. TALLEY: I was just about to locate that.

Q Where did you see that? A Just when you turn the second turn on the stairs.

Q On the stairs? A Yes, sir.

Q Will you tell us exactly what you saw? A I came down the stairs and I saw the gentleman, I don't know who he is; I don't know him; standing and looking if the keeper was coming down. As he did not see him, he went on toward the door. The door was open and he went through the door and went away, and then the keeper came downstairs and looked after him but he could not find him.

Q Did the men that went out of the door pass you as he

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went? A Yes, sir.

Q In the line that came over from the City prison, was the man that went out the door before you or after you? A He was just behind me.

Q Walking directly behind you? A No. First he was in front of me, and then when he went out that door he was behind me.

BY THE COURT:

Q What do you mean by that? When did he go out the door?
A That fellow, I don't know who he is.

BY MR. TALLEY:

Q When you say that he was behind you, you mean that you had your back turned to him? Is not that right? A Yes, sir.

Q But walking down to the place where you came when you had your back turned to him, was he ahead of you coming down to the place where you came when you had your back turned to him, was he ahead of you coming down the stairs or was he behind you?
A He was ahead of me.

Q Then you saw him walk through the corridor and out the door -- is that right? A Yes, sir.

Q Is this the door that he walked out of (indicating) A I don't know this court room very well; but if I am outside I can tell you.

Q Go out and look.

MR. TALLEY: Leave the door open, one of the officers, while he is indicating.

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(Witness left the stand and examined door.)

Q Is that the door through which you saw this man go this morning? A Yes, sir.

Q When you went back there now, did you see this stairway down which you came? Is the stairway right back of that door?

A Yes, sir.

Q About how many feet away from that door is the stairway? Indicate from where you sit to some other point in the courtroom.

A About from here to the table.

Q About from the witness chair to where? A To the table.

Q To this table? (Indicating table in front of railing of jury box) A Yes, sir.

Q When the man walked away and through the door, where was the man that you picked out in the court room as a keeper?

A The keeper was behind us.

Q He was behind you? A Yes, sir.

Q Did you say that the keeper went away as you were going down the stairs? A I don't know what you mean "went away".

Q Did you tell us a little while ago--

BY THE COURT:

Q You said that the keeper went away and then this man went out through the door, and then the keeper came back and he looked for the man and he was gone. That is what you just said. A Well, yes. When the keeper came down the stairs-- I don't know how, he saw that the door was open or something-- but the keeper in the front said there was a man missing. He count-

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ed them and he just opened the door and looked.

BY MR. TALLEY:

Q When you say the keeper went away, you mean he went away after the man that went through the door. That is what you mean?

A That is what I mean.

Q But at the time the man went through the door, as you say you saw him go, where was the keeper that you picked out?

A He was behind.

Q Behind you? A There was then other fellows coming down stairs.

Q And where was the other keeper that was with you, at the time you saw the man go through the door? A Ahead of us in the front.

Q He was ahead of you? A Yes, sir.

Q But standing further away from that door than where you were? A Yes, sir.

Q You men came down the stairway, then turned completely around and stood with your backs to this door -- is that right?

A Yes, sir.

Q And the other keeper stood at the head of the line of prisoners, facing the prisoners -- is that correct? A yes, sir.

Q The man you picked out was coming down the stairs behind you-- is that correct? A Yes, sir.

Q And then when you saw the prisoner walk out through the door, you saw this person walk out after him-- is that correct?

A Yes, sir.

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Q Now, did you see anything after that? A Well, the keeper counted us and were only ten, and we went downstairs. That is all.

Q You went down the further flight of stairs and down in to the pen? A Yes, sir.

Q And ten of you were put in there -- is that right?
A Yes, sir.

Q And how many came over from the Tombs with you? A 11.

Q Did you recognize the man that you saw pass through that door as the man who answered to the name of Harrison, when you were checked off earlier in the morning? A Yes, sir.

Q The same man? A Yes, sir.

Q Did you hear anybody shout before you saw the keeper that you saw in the courtroom here go after him? A No, sir.

Q Did you hear anybody say "there is a man gone" or "a man going" or anything of that sort? A No, sir.

Q There was nothing said. The man went out and the keeper went after him-- is that right? A Yes, sir.

I S I D O R D. G R I T Z, being duly sworn, testifies as follows:

(Court attendant, General Sessions.)

BY MR. TALLEY:

Q You are an attendant in the Court of General Sessions and were performing your duties as such this morning between nine

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and ten o'clock? A Yes, sir.

Q Is it part of your duty to receive the prisoners as they are brought over from the Tomb? A Yes, sir.

Q And this morning did you receive any prisoners who were docketed to go to Part I of this court? A Yes, sir.

Q How many did you receive? A Ten.

Q Did you have your prison sheet indicating how many were to come? A Eleven.

Q Is this a copy of the sheet that is known as prison sheet and from which you check up your prisoners? A Yes, sir.

Q Made up of two sheets-- is that right? A Yes; five on one, six on the other.

Q From whose custody do you receive the prisoners that come over in the morning from the City prison to Part I? A From the sheriff's guards.

Q The sheriff's guards? A Yes, sir.

Q You knew from your prison sheets that there were eleven due this morning? A Yes, sir.

Q You received ten? A Yes, sir.

Q Do you know the prisoner known as Rickie Harrison? A Yes.

Q Was Rickie Harrison among the ten that you received?
A No, sir.

Q Was he on your schedule sheets to be received? A Yes.

Q Who delivered the ten that you did receive to you this morning? A I called up to the guard how many prisoners and no guard answered, but prisoner Iffirge answered: "There is supposed

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to be eleven but one got away." Then I counted the prisoners and there was ten, and I called their names and Richard Harrison did not answer.

Q Then, the first information that you got that there were only ten and there ought to be eleven, came from that prisoner who was the last witness here? A Yes, sir.

Q Is it your custom to call out to the sheriff how many he has? A The sheriff usually calls to me so many and so many, but he failed to call it this morning and I called out: "Sheriff, how many?" No answer came, but the prisoner answered me, "ten."

Q Where were you standing when you asked how many prisoners there were? A At the pen gate. Didn't leave them in until I counted them.

Q But these prisoners came down a flight of stairs from the floor above? A Yes, sir.

Q And you got no answer when you asked how many prisoners there were, is that right? A Yes, sir.

BY THE COURT:

Q Then you counted them as you put them in? A As I put them in.

BY MR. TALLEY:

Q Did you see either of the guards who came in with the prisoners? A No, sir.

Q Do you know what guards they were? A I saw Mr. Jacobs go out of the front door.

Q You did not see anything else? A I did not see any-

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thing else?

BY THE COURT:

Q Where were the prisoners when you saw them? A Coming down stairs, into our pen. They go down a flight of stairs.

Q Which stairs? A From a flight above.

Q Now, there is a flight of stairs that goes right down there near that door. (Indicating) A Yes, sir.

Q Where is your pen or detention room? A Our pen is down below.

Q Down on the floor below? A Yes, sir.

Q When you first saw these prisoners they were marching down the stairs from this floor to the floor below? A To the floor below.

Q Who was with them then? A Nobody.

Q Nobody with them? A Nobody with them in front.

BY MR. TALLEY:

Q Did not Jacobs come down with them? A No.

Q Is it the custom for the prison guards to come down the stairs with them, or is it not the custom merely to send them down to the pen? A Usually there is a guard in front and a guard in back.

Q When they reach the floor where your pen is? A Yes.

BY THE COURT:

Q So that when you called up no sheriff guard answered; the prisoner answered? A The prisoner answered.

Q And then what happened? A I didn't lock them in the

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pen, but there were two officers with me and I opened the door and told them to go in and I counted them.

Q When was the first time that you saw the prison guards,

A The first time was when I saw Mr. Jacobs. I saw him going out looking for the prisoner.

Q You did see him then? A Yes, sir.

Q I asked you just now and you said no, you did not see him. A But not in front. That was in the back where he was then. I called out; "how many Sheriff," and no answer came except the prisoner. The prisoner said: "There should be eleven but one got away." I immediately ran up to the Sheriff's office, left two officers behind, to ask the Sheriff how many. I didn't find them. When I came up to Part I, I saw Mr. Hanigan looking for the prisoner.

Q Do you sign a receipt for the men? A No.

Q You give the Sheriff no receipt? A Never asked for any receipt.

BY H. TALLEY:

Q You say you saw Hanigan looking for the prisoner? A Yes.

Q Where was he? A In this hall.

Q In this hallway, indicating the door on the right hand side from the witness chair? A Yes.

Q Whereabouts was he standing? A In the middle of the hallway.

Q On the other side of the door? A On the other side of the door.

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Q And you had the ten prisoners down in the pen below?

A Yes, called the names and Richard Harrison was missing at that time.

Q Did Hanigan say anything to you or did you say anything to him about the missing prisoner? A Nothing at all.

Q Did you see Jacobs at that time? A No.

BY THE COURT:

Q When did you see Jacobs? A Jacobs came half an hour later with another prisoner.

Q Did you say anything to him? A Nothing at all because Mr. Talley was downstairs at that time.

A O L P H J A C O B S, called to the stand, stated as follows:

(Prison guard, Sheriff's office.)

THE COURT: The other sheriff's officer may step out. Before I swear Mr. Jacobs, I don't think you will call him as a witness unless he wishes to make a statement. If you wish to make a statement, I will be glad to hear you, but otherwise I shall not call you as a witness.

MR. JACOBS: Make a statement about what I am asked. I will answer any questions that may be put before me.

THE COURT: I mean, I am going to leave it to you as to your preference, as to whether you wish to make a statement or not. I am not going to call you as a witness or ask you to make a statement; but if you wish to make a statement, I will be glad to hear it. Do you want

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to make a statement?

MR. JACOBS: I will make a statement, yes.

THE COURT: Do you want to make a statement?

MR. JACOBS: I do.

THE COURT: Is the examination of the witnesses on your part completely closed, Mr. Talley?

MR. TALLEY: Yes, sir.

THE COURT: It is our right, Mr. Jacobs to make a statement with relation to the charge, which may be used against you in the proceedings which are being taken here. The nature of the charge is that a prisoner escaped while in your custody and you are therefore charged with permitting an escape. Now, you ^{may} make a statement if you desire to answer the charge and explain the facts which are alleged against you, or you are at liberty to waive making a statement. Such a waiver cannot be used against you at the trial. If you do give any testimony, you must realize that you are not obliged to; that it may be used against you. Anything that you say in the answers that you give may be used against you. I am not trying to require you to make any statement. Anything that you do say is entirely voluntary. Now, do you wish to make a statement?

MR. JACOBS: Well, I would like to consult counsel in the matter for a few moments. I do not know what to do in this matter.

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THE COURT: Step down.

(Witness returned to the stand.)

MR. JACOBS: I have not any counsel outside of the Sheriff's counsel and he would not advise me in the matter, so I am at a loss what to do. I do not want to give blindfold any testimony, if I am charged with a crime which may be a neglect of the system. I do not want to suffer for it unless I have counsel's advice. Whatever the Court directs me to do, I am willing to do. I am willing to make a statement to that effect.

THE COURT: Will you advise with Mr. Ely Rosenberg?

MR. GEORGE W. OLWAY: May the Court please, as counsel for the Sheriff, I did not feel that I should advise him as to what he should do.

(The witness returned to the stand.)

MR. JACOBS: I am going to make a statement, your Honor, a voluntary statement.

THE COURT: The defendant having waived his rights, it may be noted upon the record, and I will ask him to make such answers, however, without putting him upon oath.

BY THE COURT:

Q What is your name? A Adolph Jacobs.

Q And your age? A 53.

Q Where were you born? A Born on the other side, Germany.

Q Where do you reside? A 495 Lexington Avenue.

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Q How long have you resided there? A About five years.

Q What is your business or profession? A I have none.

At the present time Sheriff's prison guard.

Q You may give any explanation you may think proper of the circumstances appearing in the testimony against you and state any facts which you think will tend to your exculpation? A I am on the job five years. Since I came on the job, since I was upon the prison guard, I have learned from my predecessors the way of doing business or transferring prisoners from the Tombs to court, and also at various institutions where we may take them, and I have always followed that instruction accordingly. Now, there are six guards of us. Two go on transportation or three, which ever may be necessary, and the others go there at nine o'clock in the morning, and transfer the prisoners from the Tombs to the various pens in the different buildings here, Part, I, 2, 3 or 4. It has been the custom with those that are going over to part I, we go there in the morning and we look up the sheet and we count the names on the sheet, may be nine, maybe ten, maybe eleven, and we have a slip of paper then and we put it down, eleven for part I, two for Part 2 or four for Part IV, whichever the case may be. Those that go over in Parts 3 and 4, by my instructions when I came on to the job, we put the cuffs on them and lead them with the other men across the bridge of signs.

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Now, up to about a year ago, Part I pen was level with the court room on one flight up, but they have changed it last year, and we were compelled to take the prisoners downstairs in the winding stairway, through about two flights of stairs and down past this door and past the Special Sessions door into the pen down below.

Now, as I said before, there is two or three men generally, if there is any men going to various institutions, come there at nine o'clock in the morning, and take the prisoners that is going away. That leaves us from two to three men to take care of the prisoners that come over here to this building. Now, at nine o'clock or a quarter past nine, one of us-- it does not make any difference which one-- the sheriffs that are there, we tell the man behind the desk, whoever may be there -- one morning it is Mr. Marshall, one morning it is Mr. Korncorfer, and next morning may be John Joe -- "Get your men ready for court." He calls them down. As they come down, they line up between the cells and the walls. Then he calls up: "Sheriff, what part do you want first, Part I, 2 or 3 or so on". He calls them out and we check them and we count them up. Now, I have got on this slip of paper, for instance, fourteen men for Part I. We count them and we figure them right. Then we count part 2,

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Those that go across the hall or corridor, we cuff. We count them up also. Then I say to the other sheriff, or whoever the sheriff may be in charge, "27 men; of them ten to go across the hall; the rest go in Part I. pen."

Q Now, tell about this morning. A This morning. That is the custom. This morning as usual, we were called down by Marshall, the keeper, and I had on my slip eleven men for Part I and one for Part II. Now, we lined them up and I hollered to the other sheriff: "I have eleven men." He says: "Right." I walked on past the desk, went downstairs, across the courtyard, went up-- it is always my custom when I pass the man on the door with the slate, to say: "Eleven men or twelve men all told." whichever may be the case. I told him "eleven men." We checked them up. We went upstairs. I hollered to the guard behind: "Eleven men." he says: "Right." He stayed up there on the door, leading down, and there was no officer there. Parts 2 and 3 were not working this morning at all, so there was no officer down there; we had to guard it ourselves. He stayed there holding up his hand. I seen him there, step by step as we were going down, and I hollered up: "Right, Hanigan, eleven;" and he says: "right."

we got down to this door leading out of the stairway. I hollered to Hanigan: "All right, eleven men." we hollered: "All right," and I started to go down the stairs

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when he hollered all of a sudden, "How many?"

Q You were starting on the second stairs? A On the last stairs going down to the pen.

Q You were ahead? A I was ahead. Of course, I held up before I started to go downstairs, which is the custom every morning. He hollered: "How many men?" I counted again, and I says, "ten." I saw him rush through the door. Of course I could not leave my ten and rush after him, so I took the ten men downstairs in a hurry, handed the paper over to one of the officers downstairs and rushed out the front door to see if I could find him. That is all I know exactly about the case.

BY MR. KELLY HOSKINS:

Q You were always at the head of the ten men? A I was.

Q At all times? A At all times.

Q And when you saw this man run through the door, you had to take charge of these men? A Had all I could do to hold my ten men, to bring them down to the pen.

Q Did you see the prisoner run out? A I don't know only I saw Hanigan run out of the building.

Q That is what you meant to say, Hanigan? A That is all.

Q When you came past the door, was it opened or closed?

A Which door?

Q This door here leading into the courtroom? A It was not locked.

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Q Was it open? A No. I can't recall whether it was open or not, but very often we find the jury room door is open.

Q I mean this morning? A I cannot quite recall whether it was.

Q You know what I mean when I say locked or unlocked?
A It was not locked.

Q Was the door open, ajar? A Just the least little ways that I could see.

Q It was open? A Yes.

WILLIAM J. HANIGAN, called to the stand, stated

as follows:

(Prison guard, Sheriff's office.)

N. LOEWENBERG: The defendant Hanigan is willing to make a statement, your Honor.

THE COURT: We desired to make it?

N. LOEWENBERG: Yes, sir.

THE COURT: The examination of witnesses this afternoon on the part of the people having been closed and the District Attorney having laid an information against you before me, it is your right to make a statement in relation to the charge. The charge against you is that while having a prisoner in your custody you permitted him to escape. The purpose of permitting you to make a statement is to enable you,

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if you see fit, to answer the charge, to explain the facts alleged against you; and you may make such a statement, or you are at liberty to waive making a statement. A waiver cannot be used against you on any trial. I have assigned Mr. E. Henry Rosenberg to confer with you. I believe he has conferred with you and I am told that you wish to make a statement.

MR. E. HENRY ROSENBERG: The witness has expressed his desire to make a statement.

THE COURT: You are informed that you are not required to make an statement. Any statement you may make is entirely voluntary; anything that you do say, if you wish to make a statement, may be used upon any trial against you. Anything you may do in the way of making a statement is entirely voluntary.

THE COURT:

Q What is your name? A William J. Hanigan.

Q And age? A 44.

Q Where were you born? A New York.

Q Where do you reside? A 235 East 67th street.

Q How long have you resided there? A Eighteen or nineteen years.

Q What is your business? A Prison guard in the Sheriff's office of New York County.

Q Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any

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facts which you think will tend to your exculpation? A When the prisoners were coming over the bridge I was trailing them and Jacobs was at the head of them. Before we got up to the top stairs of the bridge I ran up ahead with Jacobs. That left all the prisoners behind the two of us. I got ahead to the gate leading downstairs on the bridge and I stopped there on account of the gates in the back of me were open, and I covered that avenue of escape until the eleventh prisoner went down. Then I followed close on his heels. In turning the stairs, of course, I lost sight of the prisoners for a moment until I got down to the bottom, turn around again, and they are all in view again.

Before we got down to the bottom of these stairs right at this doorway, I had lost sight of all the prisoners but had kept in view of the two last ones, until I got down to the bottom. When I got near the bottom I saw this door closing. I did not see anybody go out, but I saw it closing. I suspected right away that it might have been a prisoner who went through. I let a holler out to Jacobs and ran to the door and I opened the door. As I opened the door, I asked him to count them, and he said, "ten." Then I said: "There is a fellow gone."

When I had the door all open this man who had escaped-- I didn't know that he was a prisoner at the time, I was not sure-- but I seen his back. He was right opposite me on this side of the wire gate. I grabbed ahold of the

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side gate there and I tried to open it but it was locked. Of course I would have gained that much on him going out, but I had to run around this way, and when I got here my view was shut off entirely from him, as he had gone out the door. I continued running around and I met somebody outside and I asked him where did that man go that went out of the room there. He said: "I don't know." He did not see anybody going out. I did not see the fellow. I don't know him. I could not recognize him if I seen him. I done the best I could to try to see if I could see somebody running outside and I would have grabbed him, but there was nobody there, and he had gone, and that is all I know.

MR. TALLEY: Nothing further on behalf of the people in the way of testimony. I call your honor's attention to the provisions of Section 1897 of the Code, the Penal code, providing that a sheriff or other officer or person who allows a prisoner lawfully in his custody in any action or proceeding or any person under his charge or control to escape or go at large, except as permitted by law, or ^{at} connives or assists such escape or omits any act or duty whereby such escape is occasioned or contributed to or assisted, if he corruptly and wilfully allows, connives at or assists the escape, is guilty of a felony; and second, in any other case is guilty of a misdemeanor. It seemed to me that under the testimony presented this morning I will ask your Honor, sitting as committing Magistrate, to hold Sheriff's Guard Adolph Jacobs and Sheriff's Guard William J. Hanigan for

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possible action of the Grand jury, under the provisions of the Code which I have just read to your honor, or he may be held for Special sessions, to be determined later.

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THE COURT: Immediately upon arrival at the court house this morning, I heard that a prisoner who was charged with murder in the first degree had escaped, and thereupon sent for the District Attorney and instructed him at once to bring an inquiry. The matter was of such importance that I deemed it consistent with public business to suspend the other business of the court and to sit as a committing Magistrate in an inquiry conducted by the District Attorney. That inquiry is now concluded. Certain evidence has been taken and is before me.

The inquiry, however, was in the nature of a John Doe proceeding. At its inception there was no charge made before me against any particular individual. From the testimony it appears that the District Attorney desires to proceed against two certain sheriff's guards. These guards were called and permitted, after having advised with counsel, to make statements on their own behalf. Such procedure, however, does not in my judgment, convert a general inquiry into a specific one upon a charge against a specific individual. A person charged with crime is entitled to be present during the inquiry, and in a case of this character, I think should be permitted to have the advantage of the examination and cross examination of

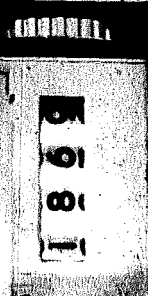
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witnesses, if he so desires. I do not therefore, act upon the suggestion of the District Attorney at this time. The District Attorney may proceed, without prejudice to this application, upon the evidence which is already before the Court, to bring such proceedings as he may be advised.

It is not, however, inappropriate at this time that I should make certain observations. The first of these is with regard to the lax condition which has been disclosed by this inquiry in the method of handling prisoners, which is such that the marvel is not that there have been escapes, but that such escapes have been so few.

Here it appears is a man who has already made an attempt to escape from Bellevue Hospital, who has threatened to escape from the City Prison, which fact is known to the warden of the City Prison, and to his deputy at the desk who delivers over the prisoners to the sheriff's guards; and yet this man is deliberately put in the custody of the sheriffs' guards without any warning or instruction or request concerning his custody.

There is here a division of responsibility between the warden of the City Prison and his officers and the sheriff and his guards. There seems to be an utter lack of cooperation. Moreover, it has plainly appeared



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that there is a lack of judgment on the part of those who have charge of bringing over prisoners, after they have been delivered by the City Prison authorities into the custody of the sheriff's guards, the same number of guards being used whether the prisoners are two or twenty or forty; no distinction being made in respect to prisoners who may require special attention. Often the insane are escorted from the City Prison into this court, and care should be taken of them not only that they may not escape and do others harm, but that they may not do themselves harm. Here is testimony that the number of guards which is provided is entirely inadequate, and I hope that this proceeding may have the effect of bringing speedy action by the Board of Estimate upon the application already made by the Sheriff of this county for additional sheriff's guards.

I have no jurisdiction in the matter, but I earnestly hope and suggest that the warden of the City Prison, the Commissioner of Correction, and the Sheriff of the county of New York do proceed to prepare adequate rules and regulations for the safeguarding of prisoners, so that such escape may not occur again.

This proceeding, then, is adjourned, and the District Attorney may take such action as seems proper upon

the evidence produced.

MR. TALLEY: If your Honor please, your Honor has been sitting here as a committing Magistrate in this proceeding. While I am generally in accord with your Honor's views of the nature of the proceeding, it being a general inquiry, I nevertheless deem it my duty to ask you to continue to sit as a committing Magistrate for the purpose of holding these two sheriff's guards upon a short affidavit, which I have prepared and will now present to you.

THE COURT: Submit it.

(Affidavit having been prepared and submitted to the Court, the Court announced that it would hold Adolph Jacobs and William J. Hanigan upon the charge of permitting a prisoner to escape, in violation of section 1697 of the Penal Law.)

MR. TALLEY: In view of the fact that these defendants are under bond to the sheriff, the District Attorney has no objection to their being paroled in custody of counsel.

THE COURT: Is that agreeable to counsel?

MR. ELY ROSENBERG and MR. Y. HENRY ROSENBERG: Yes, sir.

THE COURT: The defendants may be paroled, each in custody of counsel; the defendant Jacobs in custody of Ely Rosenberg; the defendant William J. Hanigan in custody of Y. Henry Rosenberg.

MR. TALLEY: Will you set this case down for a d.

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certain before your Honor, in order that a formal complaint may be made.

(Adjourned to Wednesday, October 9th, 1918, at 2 p.m.)

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