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COURT OF SPECIAL SESSIONS OF THE PEACE,

CITY AND COUNTY OF NEW YORK,

PART II.

-----X  
T H E P E O P L E ,

-against-

JAMES GATEWOOD.

: Before

: HON. JOHN W. GOFF, R.,

: and a Jury.  
: -----X

Tried, New York, March 23rd, et seq., 1904.

Indicted for Attempt to Commit the Crime of Grand Larceny  
in the First Degree.

Indictment filed March 4th, 1904.

A P P E A R A N C E S :

ASSISTANT DISTRICT ATTORNEY MARSHALL B. CLARKE, for the  
People.

C. J. KEIFER, ESQ., for the Defence.

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Frank S. Beard,  
Official Stenographer.

## THE PEOPLE'S TESTIMONY.

C H A R L E S   F .   R O S S ,   a witness called on behalf of  
the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CLARKE:

Q   Now, you are connected with the Murray Hill Hotel,  
Mr. Ross?   A   Yes, sir; cashier.

Q   Cashier?   A   Yes, sir.

Q   Were you there on the 23rd of January, 1904?   A   Yes,  
sir.

Q   At what hour of the day did you see the defendant  
there?   A   Between nine and ten o'clock.

Q   Had you, prior to that, received a telegram?   In the  
morning, was it?   A   The evening. The telegram was  
received earlier than that.

Q   Well, at what time did you receive the telegram?  
A   About eight o'clock in the evening.

Q   In the evening?   A   Yes, sir.

Q   And then, two hours later, the defendant came in?  
A   About nine o'clock.

Q   About nine o'clock?   A   Yes, sir.

Q   And where were you?   A   I was on duty as cashier,  
at the cashier's desk.

Q   What did he say to you?   A   He asked if any money

had been sent to him.

Q Well, he must have given his name first. Exactly what did he say? A He wanted to know if any money had been received for Mr. Bass.

Q Did he give his initials? A Yes, sir; Mr. E. F. Bass, I think.

Q Now, the telegram says, E. G. Bass. Which was it? A Yes; E. G. Bass.

Q Well, now, did he introduce himself at all? A Yes, sir. He introduced himself first to the other clerk, and then the clerk sent him to my desk. He had already spoken to these other clerks, and I heard the conversation.

Q Well, what was said then? A He wanted to know if any money had been received for him, and they sent him to the cashier's desk, and I told him there had not been, and I showed him the telegram, and he said that was a hell of a way to send money. And I asked him how much money he wished, and he said, \$150. He said he wished to stop at the hotel all night, and to go to Schenectady the next day; I told him to come in, the next morning, and we would give him the money, but he didn't come in, the next morning.

Q Did you make any investigation about it afterwards? A I did not; no, sir. We had word from the Western Union people that they thought it was a swindle, during the night.

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THE COURT: No; strike that out.

BY MR. CLARKE:

Q Now, have you the telegram? A No, sir; I have not.

Q Where is it? A I don't know. It has been lost.

There is a copy of the original (Indicating).

Q I show you a telegram, and ask you to look at it.

MR. KEIFER: I object to that being offered in evidence.

MR. CLARKE: This is part of the res gestae. He says that he showed a telegram to the witness.

THE COURT: He has not offered it yet in evidence, Mr. Keifer.

BY MR. CLARKE:

Q I show you a paper, and ask you if you ever saw it before? A I saw a message, worded exactly like that.

MR. KEIFER: That is objected to.

THE COURT: Strike that out.

BY MR. CLARKE:

Q Well, is that the telegram? A No, sir; but it is a copy of it.

THE COURT: Strike that out.

BY MR. CLARKE:

Q Did you receive that telegram (Showing the witness a piece of tissue paper). A No, sir, but that is copied from the original.

MR. KEIFER: That is objected to, if your Honor please.

THE COURT: Strike that out.

BY MR. CLARKE:

Q Now, where is the telegram that you received? A I haven't got the telegram.

Q What did you do with it? A I turned it over to the proprietor of the hotel.

Q Well, you showed the telegram that you got to the defendant? A Yes, sir.

Q And what did he say about it? Did he say whether he lived in Atlanta, or what did he say? A He didn't tell me, that night, that he lived in Atlanta, but, afterwards, he did.

Q Did you see him afterwards? A I saw him in Philadelphia, the day he was arrested.

Q How long after was that? A I don't recall now.

Q He was arrested March 16th, 1904? A That was about the date, I think.

Q Well, what conversation did you have with him then? A I asked him if he remembered calling at the hotel for that money, and he said, no, he didn't remember it. And I asked him, afterwards, if he was from Atlanta, and he said he was, originally. And I asked him if he remembered me in the New York Telegraph office, in New York, and he said he



did. I asked him if he remembered me as working there.

Q Did you work there? A Yes, sir; I worked there twenty years ago. And he told me that he thought he did remember me.

CROSS-EXAMINATION BY MR. KRIFFER:

Q Mr. Ross, how did you identify this man? A How did I?

Q Yes. A By his mustache and general appearance, and hair. I took particular pains, the night he called there, to notice him, in case I should --

Q What? A I took particular pains to remember him, the night he called for this money.

Q And you remembered him by his mustache? A Yes, sir.

Q Well, what was peculiar about that? A Well, it was long. He had no beard at that time.

Q Well, what was peculiar about it? A Nothing peculiar, except the color of it.

Q Was it the only one of the kind you ever saw?

A No, sir. But it was different from the hair, a little bit; that's all.

Q There might be another of the same kind? A Undoubtedly.

Q Now, when you saw him, in Philadelphia, is that the way you identified him, or was he shown to you as this man,

James Gatewood? A I identified him before he was arrested. I went into a lawyer's office, in Philadelphia, before he entered that office.

Q Did you identify him by the color of his mustache?

A Not chiefly, no.

Q Well, what else did you identify him by, then?

A By his face.

Q Well, what about his face? A Nothing in peculiar.

Q Nothing in peculiar? A No, sir.

Q Then you mean to say that you identified him by his mustache, practically? A By his mustache and his face.



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CHARLES F. ROSS, being recalled by the District Attorney, testified as follows:

DIRECT EXAMINATION BY MR. CLARKE:

Q Now, Mr. Ross, you say that you received a telegram, on the 23rd of January, from the Atlanta National Bank, or purporting to be from that bank, which you showed to the defendant, when he called? A Yes, sir.

Q Where is that telegram? A It has been lost.

Q Where did you last see it? A I saw it at the cashier's desk, on the following day.

Q At the cashier's desk, on the following day?

A Yes, sir.

Q Now, have you looked for it?

A Yes, sir.

Q Whereabouts?

A Where we ordinarily keep those things.

Q Did you look all through your office? A Yes, sir.

Q Every place where it would be likely to be?

A Yes, sir.

Q And you can't find it?

A No, sir.

MR CLARKE: Now, I offer in evidence a duplicate made at the same time as the original.

MR KEIFER: I object to the copy being admitted, your Honor.

THE COURT: It is not a copy. It is a duplicate.

MR KEIFER: Then I object to it.

MR CLARKE: They were made simultaneously. She wrote one, and put it in the book, and copied it, made a water copy, or duplicate, she said, and this is the duplicate.

THE COURT: The witness says it is a duplicate. If it is a duplicate, therefore, it is not a copy. I will admit it in evidence.

(It is marked People's Exhibit 5 in evidence.)

MR KEIFER: I will take an exception.

BY MR CLARKE:

Q Now you testified that you showed this telegram to the defendant? A Yes, sir.

Q And has some conversation with him? A Yes, sir.

Q And he said he was going to Schenectady? A He said he wanted to go.

Q That he wanted to go to Schenectady? A Yes, sir.

MR CLARKE: Now, I will read the telegram.

(Mr Clarke reads the exhibit to the jury.)

BY MR CLARKE:

Q Then he said he wanted \$150? A Yes, sir.

Q Right off? A Yes, sir, right off. And I asked him, first how much he wanted, and he said, \$150.

Q Now, can't you remember what he first said when he came in? A He asked if any money had been sent there to him.

Q And was he stopping at your hotel? A He was not.

Q Had you ever heard or known of him before? A No, sir.

Q And he gave the name of E. G. Bass? A Yes, sir.

Q The same name as in the telegram? A Yes, sir.

Q And you refused to give him the money? A Yes, sir.

Q And told him to call in the next day? A Yes, sir; and that I would give it to him then.

CROSS EXAMINATION BY MR KEIFER:

Q Now, Mr Ross, you say that you looked for the telegram and couldn't find it? A Yes, sir.

Q Yes. You testified, in your direct examination, or your cross examination by me, a little while ago, that you noted this man particularly, so as to be able to identify him, and said you didn't keep the telegram? A Well, the telegram was handed to the proprietor of the hotel.

Q Well, why didn't you look after the telegram if you noted this man so particularly? A Because I went off duty

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that day at twelve o'clock, and left it with my relief man, the following morning.

Q Now, when you were over in Philadelphia, just tell how this was was surrounded, when you identified him? A He walked into a lawyer's office.

Q He walked into a lawyer's office? A Yes, sir.

Q And where were you? A I was in a cigar store, under the lawyer's office.

Q Well, what else? A And I told the detectives that was the man.

Q Then what else happened? A They arrested him.

Q Didn't you testify that you saw him in a lawyer's office? A I did. I saw him in a lawyer's office. I followed him up there, into the lawyer's office.

Q Very well. Now, you testified in regard to the name. You said E. G. or E. F. ? A Well, I couldn't remember.

Q You couldn't remember? A No, sir; not distinctly.

Q But you remembered only his mustache? A His mustache and general looks.