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CASE

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

-----X
THE PEOPLE : Before:
-vs- : HON. RUFUS B. COWING, J.,
MABEL ROSHOR, and MARY GREEN. : and a Jury.
-----X

Tried, New York, February 7th, 1905.

Indicted for Grand Larceny in the First Degree.

Indictment filed January 25th, 1905.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY KEYRAN J. O'CONNOR,
for the People.

MESSRS. PENTECOST & CAMPBELL, for the Defense.

Frank S. Beard,
Official Stenographer.

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THE PEOPLE'S TESTIMONY.

F R A N K H E L L E M , a witness called on behalf of the People, being duly sworn, testified that he, the witness, lived at Thomaston, Maine.

He, the witness, was a sea-faring man by occupation.

He, the witness, was in port on the 21st of January, 1905.

The boat on which he, the witness, was a sailor was lying over at the Edgewater Oil Docks, in New Jersey.

At three o'clock on the afternoon of the 21st of January, 1905, he, the witness, came from the Edgewater Oil Docks, in New Jersey, to the City of New York.

He, the witness, did not have any one with him at that time, but came alone to the City of New York.

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He, the witness, came to New York to get some money to pay some bills for the boat on which he was a sailor.

He, the witness, as soon as he arrived in New York, went to the office of the broker who had charge of the affairs of the boat to which he, the witness, was attached, at 38 South Street, in the City and County of New York.

The name of the broker was C. H. Crane & Co.

At the office of C. H. Crane & Co. he, the witness, got \$50.

As soon as he, the witness, got the \$50 from the broker, he, the witness, went to Harlem, and paid a tow-boat bill, and paid a bill for the food furnished to the boat.

He, the witness, paid \$16 to the tow-boat which had towed the boat to which he was connected, and \$7 and some odd cents for food furnished to the boat.

He, the witness, also paid another grocery bill for \$5.49.

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Altogether he, the witness, had \$18 left when he had paid these bills.

After he had paid the bills he, the witness, went to visit a cousin, living in 129th Street, and remained there until ten o'clock that evening.

He, the witness, was not drinking at his cousin's house.

He, the witness, did not drink anything from the time that he left the boat up to the time that he left his cousin's house at about ten o'clock.

When he, the witness, left his cousin's house, in 129th Street, he, the witness, knew that he had between \$15 and \$16 in his pockets.

He, the witness, came down town from 129th Street, and went to Seventh Avenue, between Thirtieth and Thirty-fifth Streets, in that neighborhood, between those two streets.

He, the witness, went into several saloons in that neighborhood, and had three or four drinks.

He, the witness, drank beer in each of the saloons, and each of the drinks consisted of beer.

In the neighborhood of three o'clock he,

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the witness, was going through Twenty-seventh Street, to take the elevated railroad, uptown, to go to his vessel.

He, the witness, intended to ride up to 125th Street, and take a cross-town car to the ferry, and get back to the boat.

At that time he, the witness, had \$12, in bills, rolled up together, which he, the witness, had not touched at all.

He, the witness, rolled up the \$12 in bills at about eleven o'clock when he, the witness, was on the elevated car, coming down town from his cousin's house, in 129th Street.

He, the witness, put the \$12 in his vest pocket, and took \$3 from the roll that he had before he separated the \$12 and put it in his vest pocket, and put the three dollars in his trousers pocket, intending to spend that much.

As he, the witness, was walking through Twenty-seventh Street, from Seventh Avenue, in the County of New York he, the witness, met the two defendants.

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Mary Green, one of the defendants, was the first one who spoke to him, the witness.

Mary Green said to him, the witness, "Will you buy me a drink?"

He, the witness, said to Mary Green, "Yes."

At that time Mabel Roshor, the co-defendant was with Mary Green.

Mabel Roshor did not say anything at that time.

Then he, the witness, said to the two women, "Come on and have a drink."

Then Mary Green said, "Come right in here, into this door."

He, the witness, went with the two women into the hallway indicated by Mary Green.

Both of the defendants followed him, the witness, into the hallway.

As soon as they got into the hallway, the two defendants being together, Mary Green put her hand into his, the witness's pocket.

Then Mary Green ran upstairs, followed by Mabel Roshor.

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Almost at the same moment an officer entered the hallway.

Then the officer went upstairs with him, the witness, and looked for the two defendants.

The officer found them in a toilet on the floor above.

They would not open the door of the toilet, although the officer rapped and shook the door and told who he was.

Then the officer forced open the door of the toilet, and took the two defendants out of the toilet.

He, the witness, did not see the officer, at that time, pick up anything from the floor of the toilet where the two defendants were.

Afterwards, however, the officer showed him, the witness, several papers.

The papers shown to him, the witness, by the District Attorney, were the papers which the officer showed to him, the witness, subsequently.

He, the witness, identified two of the papers as, respectively, the butcher's bill and the tow-boat

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bill which he, the witness, paid out of the \$50 which he, the witness, received from the agent of his boat.

One of the papers shown to him, the witness, was the order which he received from the owners of the boat to come to New York with a load of stone, at the time that he came to New York.

He, the witness, was the captain of the boat and attended to all the purchasing for the boat, and paid out all money on account of the boat.

Another paper shown to him, the witness, by the District Attorney was a list of articles needed by the cook of the boat, which the cook had given him, the witness, on the afternoon before the witness left the boat.

These papers which he, the witness, had identified in the possession of the District Attorney were the papers which he had had in his pocket at the time that he was robbed by Mary Green.

He, the witness, when he was in the elevated trains, coming downtown at about eleven o'clock, took out the money that he had in his possession at that time, in bills, and rolled the twelve dollars in these

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papers, and put the roll in his right hand vest pocket.

At the same time he, the witness, put three one dollar bills in his trousers pocket, intending to spend that money.

IN CROSS EXAMINATION the witness testified that he, the witness, got down in the neighborhood of Seventh Avenue and Thirty-fifth Street, at about eleven o'clock on the preceding evening.

Up to that time he, the witness, had had nothing to drink since he left his boat, at 3 o'clock on the preceding afternoon.

He, the witness, did not drink anything at all in his cousin's house, which he left about ten o'clock.

One of the papers shown to him, by the District Attorney was what he called a beef bill, from the New England Beef Company, as it represented beef bought for the use of his boat, and it was a bill that he, the witness, paid on the preceding afternoon in Harlem, out of the \$50 given him by the agent for that purpose.

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He, the witness, was positive that those bills which he, the witness, identified in the hands of the District Attorney were rolled around the \$12 when he put it in his right hand vest pocket, on the elevated train.

He, the witness, was positive that the \$12 surrounded by these bills was in his right hand vest pocket at the time he entered the hallway with the two defendants.

He, the witness, had not touched the money, the \$12, from the time that he put it in that vest pocket on the elevated train, on his way downtown, at about 11 o'clock.

The money which he, the witness, had in his pocket at the time, at the time he entered the hallway with the two defendants, was the company's money, the company for which he, the witness, worked.

But he, the witness, was accountable to the company for the money.

The company allowed him a certain amount monthly to run the boat of which he was the captain.

If, at the end of the month he, the witness,

did not have and itemized the account of all the money that he, the witness, had received during the month, to run the boat, the company required him, the witness, to make up the difference out of his wages.

Therefore the money which he, the witness, had lost on the night in question, the \$12, would have to be met by him, the witness, out of wages.

The \$50 received from the broker was money advanced by the broker on account of the freight out, that is, the freight which the boat was to take out from the port of New York, on his return to Thomaston, Maine.

He, the witness, had the custody of that money, the care and custody of that money, as the representative of that company which owned the boat of which he, the witness, was captain.

He, the witness, was bound to account for that money to the company, and if he, the witness, could not show a voucher, at the end of the month, showing that the money had been spent properly, for the maintenance of the boat, he, the witness, would have to make good the loss or the difference to the company.

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which employed him.

He, the witness, knew that he had \$18 left when he, the witness, settled up all of his bills.

This \$18 was all that he, the witness, had left out of the \$50 when he, the witness, had paid his bills.

He, the witness, knew that the bills which he, the witness, had described amounted to \$29.79, or, roughly speaking, \$29.

That left \$3 to be accounted for.

He, the witness, could not recall how this money was spent, this difference of \$3 but he, the witness, would have to account for it to the company, would have to make good the entire \$50, either with vouchers, showing that he spent the money for the good of the boat, or out of his own pocket.

He, the witness, was positive that he had \$18 left when he had paid his bills.

He, the witness, was positive that he had \$18 left when he came out of his cousin's house because he, the witness, got on the elevated trains, and counted his money and found that he had \$18.

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The difference of \$3 he, the witness, must have paid out somewhere, but he did not remember where.

He, the witness, was positive however that he, the witness, did not pay it out for drinks, because he, the witness, was positive that he had no drinks whatever from the time he left his boat, at about three o'clock in the afternoon, until he got down to Seventh Avenue, in the neighborhood of Thirty-fifth Street and Thirtieth Street.

Then he, the witness, went into several saloons, and took a glass of beer in each.

Altogether in this way he, the witness, then had three or four or five drinks of beer.

He, the witness, would positively swear that he did not have any drink whatever in his cousin's house, in 129th Street.

He, the witness, when he got up on the elevated train, took \$12 in bills from the \$18 that he had left when he left his cousin's house, and rolled the \$12 up in the bills which have been produced by the District Attorney, and put them in his right hand vest pocket.

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He, the witness, put \$6 in his right hand trousers pocket when he put the \$12 in his vest pocket.

When he, the witness, searched his pockets in the morning he, the witness, had \$4 left.

It was after the robbing of his person as he had described, by Mary Green or Mabel Roshor.

He, the witness, believed that he did not go into more than four saloons after he got down to Seventh Avenue, at about 11 o'clock.

He, the witness, did not see any other women, atleast did not talk with any other women on that night.

He, the witness, saw the policeman that came into the hallway almost immediately after he, the witness, had been robbed, a short time before, on the street.

It was not true that this police officer, at that time, before he, the witness, entered the hallway with the women, put him, the witness, off his beat, told him to get off that beat.

He, the witness, was not drunk, at that time, but he had drank four or five glasses of beer.

He, the witness, drank this beer alone, in the different saloons that he went into.

At no time on that evening did he, the witness, drink with any other man or men.

He, the witness, did not know whether or not, after the arrest of the defendants, at the station house, the officer made a complaint of intoxication against him.

He, the witness, did not think that the officer made a charge against him.

It was not true that when the officer entered the hallway, he said, "What are you doing with these girls, or what are they doing to you?" and it was not true that he, the witness, replied, "Nothing at all. We are not doing anything."

On the contrary as soon as the officer entered the hallway he, the witness, told the officer that he had been robbed.

Then the officer told him, the witness, to search his pockets, and be sure that he had been robbed, before he made a charge against anyone.

Then he, the witness, searched his pockets,

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and missed the \$12, rolled up in the bills.

He, the witness, was locked up himself, on that night, but he, the witness, did not know on what charge he was locked up.

He, the witness, knew that when he was arraigned, or taken before the Sergeant's desk in the station house, and had made his complaint against the two women, of robbing him, the officer told the Sergeant that he would hold him, the witness, for a witness.

He, the witness, distinctly heard the officer tell the Sergeant that he would hold him, the witness, as a witness against the two women.

He, the witness, had not been locked up ever since the arrest of the two defendants, as a witness.

He, the witness, had not been locked up in the House of Detention, ever since the arrest of the two defendants.

On the following morning after the larceny he, the witness, was discharged in the Police Court.

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JAMES O'CONNOR, a witness called on behalf of the People, being duly sworn, testified that he, the witness, was a member of the Municipal Police, of the City of New York, and was attached to the 20th Police Precinct.

On the morning of the 21st of January, 1905, he, the witness, was on patrol, on Seventh Avenue, from Twenty-seventh to Thirtieth Street.

He, the witness, saw the complaining witness on that morning.

He, the witness, saw the complaining witness on that morning, at about two-fifty or three o'clock.

This was the first time that he, the witness, saw the complaining witness, because he saw him again later.

He again saw the complaining witness between four o'clock on that same morning.

The last time that he, the witness, saw the complainant was when he, the witness, saw him in the hallway of 213 West Twenty-seventh Street, in the County of New York.

At about the same time he, the witness, saw

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the two defendants.

He, the witness, went into the hallway, and saw the complaining witness there.

He, the witness, had an electric lamp with him, and he shot the ray of the electric lamp at the two defendants, and they ran upstairs, to the water-closet on the floor above.

At that time the complaining witness was standing in the hallway, on the ground floor.

He, the witness, had a conversation with the complaining witness.

At that time the defendants had run upstairs, and had run into the toilet on the floor above.

He, the witness, then went upstairs, going up one flight and searched for the defendants.

He, the witness, looked around the hallway, and did not see anything of the defendants.

Then he, the witness, went to the toilet of that floor, and found the door locked on the inside.

He, the witness, looked through a little transom, and saw the two women in the closet, both sitting down on one seat.

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He, the witness, told them to come out of the closet, and they would not come out.

Then he, the witness, said that he would stand there all night, unless they came out.

Then they opened the door.

As they came out he, the witness, said, "What did you do to this man, downstairs?" (Indicating the complaining witness)

Then he, the witness, asked the two defendants where the money was that they had taken from the complaining witness, downstairs.

The defendants said that they did not have any money.

He, the witness, took the defendants downstairs.

The complaining witness then made a complaint and said that when he entered the hallway with the two women, he had anywhere from ten to seventeen dollars in his pockets, and that he had no money left.

He, the complaining witness, also, said that the two women had jostled him in the hallway, and taken his money from his pockets.

He, the witness, then took the two defen-

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dants to the station house.

After they had been locked up, he, the witness, went back to the house in question, and searched the toilet from which he had taken the two defendants.

He, the witness, searched the toilet when he got back to the house.

The plumbing of the toilet was open plumbing.

Under the seat of the toilet he, the witness, found some papers, the bills which the complaining witness had identified, in his direct examination, when shown them by the District Attorney.

When he, the witness, got back to the station house he, the witness, showed the complaining witness the bills which he, the witness, had found under the seat in the toilet, where the women were arrested.

The complaining witness identified the papers as his, and said that they were in the same pocket from which his money, the larger part of his money had been stolen.

He, the witness, searched the complaining witness, in the station house.

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He, the witness, at that time did not find any money on the person of the complaining witness.

He, the witness, made a charge of intoxication against the complaining witness and caused him to be locked up.

He, the witness, took the complaining witness, with the defendants, to the Police Court, in the morning, and the complaining witness was discharged as he, the witness, did not press the charge of intoxication against the complaining witness.

He, the witness, made the charge of intoxication against the complaining witness to keep him as a witness against the two defendants.

At the time that he, the witness, arrested the two defendants, the complaining witness was not intoxicated.

When he, the witness, first met the complaining witness, on his post, on that morning, he, the witness, saw that he was a stranger in that neighborhood, and he asked the complaining witness where he belonged, and the complaining witness said that he belonged in Thomaston, Maine.

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He, the witness, spoke to the complaining witness at that time, not because he was intoxicated, but he was a stranger in that neighborhood.

When the matron searched the defendants in the station house, six pocket knives were found, respectively, in their stockings.

IN CROSS EXAMINATION the witness testified that he first saw the complaining witness on that morning at about 2:50.

He, the witness, found him in the hallway of 213 Twenty-seventh Street with the two defendants, between three and four o'clock on that same morning.

He, the witness, first spoke to the complaining witness at about 2:50 when the complaining witness was on his post, he, the witness, did not think that he was badly intoxicated, but he appeared to have been drinking some, and he, the witness, knew that the complainant was a stranger on the avenue.

So he, the witness, asked him what he was doing along there, and he said he was going home, and that he was a captain of a boat.

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He, the witness, as a policeman, did not make it a practice to speak to sober men, when he met them on the street at night, on his post.

But this was an unseasonable hour, 2:50 in the morning and he, the witness, saw that the complaining witness had been drinking some, and that he was a stranger on that post.

He, the witness, spoke to the complaining witness because he was a stranger in that neighborhood, not because he was intoxicated.

Undoubtedly, however, the complaining witness, was somewhat intoxicated, but he was able to take care of himself.

The complaining witness was able to walk straight, and the complaining witness answered every question intelligently which he, the witness, put to him, and appeared to understand everything thoroughly that he, the witness, said to him.

When he, the witness, searched the complaining witness in the station house, after the arrest of the defendants, he, the witness, did not find any money on the complaining witness.

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He, the witness, however, would not swear that the complaining witness did not have any money whatever upon his person at that time.

All that he, the witness, would say upon that subject was that he, the witness, searched the complaining witness at that time, and did not find any money whatever upon his person.

He, the complaining witness, may have had money upon his person at that time which he, the witness, failed to discover.

He, the witness, distinctly remembered searching the complaining witness in the station house, and according to his, the witness's recollection, he, the witness, searched every pocket in the complaining witness's clothing, and he did not find any money upon the person of the complaining witness, as far as he, the witness, remembered.

When the defendants were searched by the matron in the station house, no money was found upon them.

But one of them, when he, the witness, arrested them both, offered him, the witness, a five dollar bill,

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to let her go, and chase the complaining witness away, and so prevent the complaining witness from making a complaint against them.

He, the witness, did not know whether or not the defendant had the five dollar bill upon her person at the time she offered him the five dollar bill to let them go, or to let her go, and to chase away the complaining witness.

He, the witness, did not agree to take the five dollar bill, and perhaps if he had agreed to take it, she would have produced it, but she did not show it at the time she offered it to him.

It was Mary Green, one of the defendants, who offered him, the witness, five dollars to let her go, and to drive away the complaining witness.

On the way down to the cells, in the Police Court, on the following morning, after they had been committed, that is, the two defendants, for trial, Mary Green said to Mabel Roshor, "You black bitch, you have got the money, and you had better give it up. I ain't going to State's Prison for you."

He, the witness, did not know whether or not

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Mabel Roshor had the money, as charged by Mary Green.

All that he, the witness, knew about that matter was that the matron in the station house searched the prisoners in the station house, and reported to the Sergeant at the desk that she did not find any money upon their person.

Mabel Roshor offered five dollars to another officer who came to his, the witness's assistance in making the arrest, to let her go, and drive away the complaining witness, so he could not make a complaint.

It was true that the complaining witness said, in the hallway, that he had lost anywhere from ten to seventeen dollars, because he remembered that he had that much money in his possession after he had paid his bills, on the preceding afternoon.

IN RE DIRECT EXAMINATION the witness testified that he, the witness, had been in that precinct for over a year.

The station house of the precinct was in West Thirty-seventh Street.

He, the witness, had been on that post about six months.

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THE DEFENSE.

MARY GREEN, the defendant, being duly sworn, testified that she, the witness, lived at 267 West Thirty-fifth Street, in the County of New York.

She, the witness, had heard the testimony of the complaining witness, and of the officer.

That testimony was not true.

She, the witness, and the co-defendant, Mabel Roshor, were walking on Twenty-seventh Street, when they met the complaining witness.

She and the co-defendant were on their way to the house of a man that they wanted to get to come and attend to her, Mabel Roshor's old man, who was sick.

They met the complaining witness, and he was drunk.

The complaining witness spoke to them, and asked them to go and get a drink.

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He, the complaining witness, was standing at the time in front of the hallway in question.

The hallway was about in the middle of the block.

There was a saloon on the ground floor of that house.

The complainant said, "Would you girls have a drink with me?"

She, the witness, said, "It's after hours, and I don't think they will let ladies in."

They went into the hallway of the house, and knocked at the side door of the saloon.

The proprietor of the saloon came to the side door of the saloon, but had the chain on the door, and wouldn't let them in, saying that it was after hours, and they couldn't come in.

So then she, the witness, and Mabel Roshor went upstairs leaving the complaining witness in the hallway on the ground floor.

When she, the witness, and Mabel Roshor were going upstairs they looked down in the hallway, and saw a police officer rush into the hallway and grab the

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complaining witness.

This frightened herself and Mabel Roschor and they ran into the toilet.

They saw the complaining witness caught hold of by the police officer, in the hallway downstairs, before they run into the toilet.

They saw the officer catch hold of the complaining witness and say to the complaining witness, "What are you doing in here, with these girls. I drove you off my beat, once, and here you are again, with two more girls."

The complaining witness said to the officer, "Oh, I'm all right. I have been drinking a little."

The complaining witness said, "Oh, I'm all right. I've been drinking a little, but I'm all right."

Then the complaining witness was arrested by the officer who directed him to search himself.

The officer directed the complaining witness to search himself, and see whether he had lost anything.

The complaining witness wouldn't search him-

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self, when the officer directed him to search himself.

Then the officer called the janitor of the house, and the janitor came.

The officer said to the janitor, "Do these women annoy you by coming into the hallway at night with men?" and the janitor said, "No."

Then the officer asked the janitor who the women were,

The janitor said that he did not know who they were and that he had never seen them before.

Then the officer said, "Well, I'll subpoena you to court to tell who they are."

Then the officer said, "Well, I'll arrest them anyway, and put the charge of disorderly conduct against them."

After the officer arrested herself, the witness, and Mabel Roshor, the officer said to the complaining witness, "Now, search yourself. If you've got your money I'll turn these women loose."

The complaining witness searched his pockets and brought out some change.

Then the officer said, "Aha, you ain't got

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your money after all?"

The complaining witness said, "All I've got is my change, because I had fifty dollars to pay some bills, and I've been drinking."

Then the officer said, "How much did you have left?" and the complaining witness answered, "\$17."

Then the officer took herself, the witness, and the co-defendant to the station house.

After the complaining witness had made his charge against herself and the co-defendant, the officer searched the complaining witness, right in front of the Sergeant's desk, in the station house, and found the papers which the complaining witness claimed to have had wrapped around the \$12 in his vest pocket, in the vest pocket, the right hand vest pocket of the complaining witness.

But, in the Police Court, the officer, who had given the papers to the Sergeant, behind the desk, the night before, when he found them upon the person of the complaining witness in the station house, showed the papers to the Judge, and said that the money that the complaining witness had lost was rolled up in the

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papers, which he had taken from the complaining witness when he had searched him, in the station house.

It was untrue as testified to by the police officer, that the papers in question were found in the toilet, under the seat of the toilet.

Before the officer took herself, the witness, and the co-defendant and the complaining witness to the station house, the officer got a light, and in the presence of the janitor and searched the toilet carefully and did not find the papers in the toilet, and did not find anything else there.

In the station house, at the time she, the witness, and the co-defendant were arraigned, the officer told the Sergeant that he was going to make a charge of disorderly conduct against the complaining witness, so as to lock him up.

But the Sergeant said to the complaining witness in the presence of the officer, and of the witness and of the co-defendant, "You are drunk, and if you press this charge against these women, we must lock you up."

She, the witness, had never been convicted

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of any crime.

She, the witness, had been arrested for street-walking.

She, the witness, had never been arrested upon the charge of stealing anything from any one.

She, the witness, would positively swear that she, the witness, had never been arrested before the night in question, upon any other charge than that of street-walking.

IN CROSS EXAMINATION the witness testified that she, the witness, had been arrested in the street, a few times for street-walking.

She, the witness, could not recollect that she, the witness, had been arrested for street-walking at least ten times.

She, the witness, did not believe that she was arrested for street-walking for over three times.

She, the witness, and the co-defendant were going into the hallway of the house in question, when the complaining witness came behind them and spoke to them, and asked them where they were going and invited

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them to go and have a drink.

The saloon on the ground floor of that house was what was called a distillery.

It was closed for the night, and when the complaining witness knocked on the door, to take the witness and the co-defendant into have a drink, the proprietor opened the door a little, having the chain on the door, and told them that it was after hours, and that they could not come in.

She, the witness, and the co-defendant were going into that house to see Mabel Roshor's fellow, who was sick.

The side door of the distillery was in the same hallway as the one that they entered, the hallway of the house in question, where she, the witness, and the co-defendant and the complaining witness were found by the officer, in West Twenty-seventh Street.

She, the witness, had never been in that hallway before, to her knowledge.

She, the witness, of course, had passed the building in passing through the street, but had never entered the hallway, to her knowledge.

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She, the witness, and the co-defendant were going into the hallway of the house, to see a lame man.

She, the witness, did not know the name of the man, but the co-defendant did, because it was the co-defendant's fellow.

She, the witness, called the man that they were going to see, a lame man, because he had only one leg, the other having been cut off by some accident.

The complaining witness was in the hallway with them, at the door of the saloon, and knocked on the door, to get into the saloon, to have a drink with them.

She, the witness, did not mean to be understood that the lame man was the fellow of the co-defendant, but the co-defendant was going with her, the witness, to the house of the lame fellow, to ask him to come and wait upon the fellow of the co-defendant, who was sick at the time.

By the word "fellow" she meant the husband of the co-defendant.

The man who was sick was the husband of the co-defendant and she was going to get the lame man to

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wait upon him during his sickness.

She, the witness, did not think it an unusual thing to go at half past two or half past three or four o'clock in the morning, with another woman to the house of a single man, to ask him to do a favor.

She, the witness, was with the co-defendant as a favor for the co-defendant and not because she, the witness, had any business out on the street at that hour of the morning.

She, the witness, merely accompanied the co-defendant to the house in question, to see the lame man, as a favor to the co-defendant.

The lame man was accustomed to wait upon the husband of the co-defendant when he was sick and it was for this purpose to get him to wait upon the co-defendant's husband or old man, that they went to the house in question.

When they got to the head of the stairs they saw the officer rush in and seize the complaining witness and question him as to what he was doing in that hallway with two women.

She, the witness, and the co-defendant became

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frightened, and ran into the toilet.

Mabel Roshor, anyway, wanted to go into the toilet at that time, as she had told her, the witness.

She, the witness, and the co-defendant did not call out to the lame man, when they were on the floor above the ground floor, but the janitor did for them and he did not make any response.

She, the witness, and the co-defendant did not have any chance to call out for the lame man to come out and meet them in the hallway, because the officer put them under arrest.

The testimony of the officer to the effect that he, the officer, had to bang upon the door and try to open it, and then when he couldn't open it, had to tell them that he would stay in front of the door all night unless they came out, was untrue.

The door was unlocked and at no time was it locked on the inside.

She, the witness, did not believe that there was any key in the door whatever, and therefore could not be locked on the inside.

In fact, she, the witness, was not in the

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toilet.

The co-defendant was in the toilet, because she wanted to go there to answer to a call of nature, and was seated on the toilet and she, the witness, was standing half in and half out of the toilet when the officer came along.

As soon as the officer directed them to come out of the toilet, she, the witness, and the co-defendant came out of the toilet.

She, the witness, and the co-defendant heard the conversation between the officer and the complaining witness down in the hallway.

The complaining witness did not say anything whatever about being robbed until the officer suggested that he might have been robbed and told him to search his pockets.

He, the complainant, was not intoxicated, so far as she, the witness, could discover.

She, the witness, heard the complaining witness say to the officer that he had been drinking but that he was all right and she, the witness, certainly saw that the complaining witness was not intoxicated.

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However, on second thought she did believe that the complaining witness was intoxicated.

Neither she, the witness, or the co-defendant put the papers in question in the toilet.

She, the witness, distinctly saw the officer taken them from the person of the complaining witness, in the station house.

She, the witness, heard the officer ask the complaining witness at that time, what they were and the complaining witness, said that they were some bills which he had paid.

It was not true as testified to by the officer, that is, in the Police Court, on the way to the cells, the co-defendant accused her, the witness, of having the complaining witness's money, and told her to give it back, and that she, the co-defendant was not going to State's Prison for her, the witness.

Nothing of the kind occurred.

She, the witness, did not offer the officer five dollars or any other sum, to let her go, and to drive away the complaining witness.

She, the witness, at no time said anything

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whatever about the complainant's money because she did not have the complainant's money, and she did not touch the complainant on the night in question.

MABEL ROSHOR, one of the defendants, being duly sworn testified that she, the witness, lived at 355 West Thirty-seventh Street, in the County of New York.

She, the witness, had heard the story told by the complaining witness, on the witness stand.

She, the witness, did not take any sum of money whatever out of his pockets, the complaining witness, either his right hand pocket or any other pocket, on that night.

She, the witness, did not see Mary Green, the co-defendant, take any money whatever out of the pockets of the complaining witness, on the night in question.

It was not true as testified to by the police officer, that, when she, the witness, and Mary Green were being taken to the cells, in the Police Court prison, after they had been committed for trial in the

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Court of General Sessions, that she, the witness, said to Mary Green, the co-defendant, after calling her bad names, that she, Mary Green, had the complainant's money, and that she, the witness, was not going to State's Prison for Mary Green.

On the night in question she, the witness, went down to West Twenty-seventh Street and met Mary Green, the co-defendant.

She, the witness, had no appointment with Mary Green, on that night, but met her accidentally.

She, the witness, was going on that night to call upon a lame man, who lived in the house in question, a lame colored man named Louis Landon.

Louis Landon, the lame colored man, lived in the house in question, at 213 West Twenty-seventh Street.

She, the witness, was going down on that, to 213 West Twenty-seventh Street, to get Louis Landon to come to where she, the witness, lived, to take care of her old man, or husband, who was sick.

It was the custom of Louis Landon, to take care of her, the witness's husband, when he was sick.

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She, the witness, and the co-defendant, Mary Green, entered the hallway at 213 West Twenty-seventh Street, to call upon Louis Landon, when the complaining witness came into the hallway.

The complaining witness asked them where they were going, and asked them whether they would take a drink with him.

There was a saloon, in the same building, and on the same floor, and the saloon had a side door, opening into that hallway.

The complaining witness asked them, the defendants, if they would go in to that saloon, and have a drink.

She, the witness, and the co-defendant said that it was after hours, and they could not get a drink, and, moreover they didn't believe that the proprietor would allow women in his saloon, after hours.

But the defendant said, "Wait here, and I'll see if I can get a drink here."

The complaining witness knocked at the side door of the saloon, the proprietor opened the door a little way, leaving the chain on the inside of the door.

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When the complaining witness asked the proprietor, to let them in, to have some drinks, the proprietor shook his head and said that it was too late, and closed the door.

Then she, the witness, and the co-defendant went upstairs, and when they were near the head of the stairs, they saw the officer burst in to the hallway, and catch hold of the complaining witness.

She, the witness, and the co-defendant, were frightened, and they ran upstairs into the toilet, on the first floor, the floor above the store.

She, the witness, and the co-defendant did not close and lock the door of the toilet.

In fact, she, the witness, did not see any key in the lock of the door, so that the door could be locked.

In fact, she, the witness, was the only one who actually went into the toilet, because Mary Green, the co-defendant stood in the doorway of the toilet, half way in and half way out of the toilet.

She, the witness, heard the officer speaking to the complaining witness, downstairs.

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She, the witness, heard the officer say to the complaining witness, "What are you doing with these women, in this hallway? You have robbed these women, or they have robbed you." The complaining witness said, "No; they haven't touched me."

And the officer said, "Oh, come on, tell the truth. Haven't they got your money?"

The complaining witness said, "No; I haven't lost any money."

Then the police officer pushed the complaining witness up the stairs ahead of him, the police officer.

The police officer came to the door of the toilet, and there was no lock on the door, and the door was open, and the co-defendant was standing midway in the doorway of the toilet.

The officer said to her, the witness, and the co-defendant, Come on out here. You've robbed this man, out here."

It was not true as testified to by the officer that the officer found the door of the toilet locked on the inside, and that he commanded them, the witness and the co-defendant to come out of the toilet, and

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that they would not go out, and that then the officer said that if they would not come out that he would stand there all night until they did.

As soon as the officer spoke to them, they came voluntarily out of the toilet.

Then, in their presence, the officer tried to make the complaining witness say that they had robbed him, but the complaining witness would not do so.

When the complaining witness refused to make any charge against the witness, and the co-defendant, the officer said to the complaining witness, "I told you to get off my beat before, because you were talking to two women. Now I am going to take you to the station house."

The complaining witness begged the officer to let him, the complaining witness go.

But the officer said, "No, if you won't put a charge against them for robbery, I will lock you up for disorderly conduct."

Then the officer called the janitor of the house and he said to the janitor, "Have these women been a nuisance to you, bringing men into your hall-

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way?" and the janitor said , "No."

Then the officer said to the janitor, "Well, you come on to the court, and make the complaint against them for being a nuisance in your hallway."

The janitor said, "All that I can say, is that I never seen these two women before."

Then the officer herself, the witness, and the co-defendant and the complainant up to a patrol signal box in the street --- a box where police officers ring for the patrol wagon.

Another officer, meanwhile, had joined the officer who arrested them.

Then the officer searched the complaining witness, right there at the patrol signal box, and found that the complaining witness had only small change about him, which the officer pulled out from one of the complaining witness's pockets, in his hand, when he was searching the complaining witness.

Then the officer took the defendants and the complaining witness to the station house.

When they were all brought before the desk, the Sergeant told the officer to search the complaining

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witness, to see what he had in his pockets.

The officer searched the complaining witness, and found the bills which had been offered in evidence in the complaining witness's pockets.

But, on the following morning, in the Police Court, the defendants were arraigned before the Magistrate, and the officer said that he had gone back to the toilet where he, the officer, had arrested the defendants, and found those papers under the seat of the toilet.

She, the witness, would positively swear that when the officer came to the toilet, after they came out of the toilet he, the officer, took out his electric lantern or light, and thoroughly searched the toilet, and found nothing there.

She, the witness, did not throw the papers in question, under the seat of the toilet, and did not see Mary Green, the co-defendant put them there.

She, the witness, would positively swear that at no time after the arrest did she, the witness, saw in the presence of the officer, to Mary Green, the co-defendant, that she, Mary Green had taken the complain-

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ing witness's money and that she had it, and had ought to give it up to him, and that she, the witness, was not going to State's Prison, for her, Mary Green.

She, the witness, did not say anything of the kind under any circumstances whatever at any time, either in the presence of the officer or at any other time.

She, the witness, had never before been arrested charged with any crime.

Though she, the witness, had never been arrested and charged with any crime she, the witness, had been arrested twice for soliciting.

But she, the witness, would swear positively that she, the witness, had never been arrested upon the charge of committing any crime.

She, the witness, had never before been tried for stealing anything from anyone.

IN CROSS EXAMINATION the witness testified that she, the witness, did not carry on the business of a prostitute.

She, the witness, worked for a living, doing washing and ironing.

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It was true that she, the witness, had been arrested twice for soliciting, but she, the witness, was not convicted of soliciting.

She, the witness, was never fined for soliciting in the streets, but was discharged when she was arrested for soliciting.

When she, the witness, was arrested twice for soliciting in the streets, she, the witness, gave her own name, Mabel Roshor, each time.

She, the witness, did not support any old man, but the old man that she lived with, and whom she called her husband, helped to pay the rent.

It was not true that she, the witness, washed and ironed, sometimes, in the daytime, but generally solicited in the streets at night.

Though she, the witness, went down to Twenty-seventh Street, on the night in question, to get the lame colored man to go to her house, to wait upon her sick old man, she, the witness, still had time to talk with the complaining witness, to go to the side door of the saloon, to get a drink with him.

She, the witness, supposed that any woman,

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under the same circumstances, would accept an invitation to take a drink.

She, the witness, was not thirsty, on that morning, and did not need any drink of beer or any other liquor.

She, the witness, did not go to the door of the saloon, the side door, opening into the hallway, to find out whether she could get a drink there.

The complaining witness followed them into the hallway, and they were all standing near the door of the saloon, and the complaining witness knocked at the door, to see if they could get in to get a drink.

She, the witness, and Mary Green, the co-defendant, did not dodge into that hallway, with the complaining witness, to dodge the police officer, and to rob the complaining witness in the dark hallway.

She, the witness, did not go right up to the room of the lame colored man, to whom she was going, to ask him to come and wait upon her husband, because when she got to the head of the stairs, she felt the necessity of going into the toilet.

It was not true that she, the witness, only

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discovered that she needed to go to the toilet when she saw the officer burst into the hallway downstairs.

(The jury found the defendants Guilty of Grand Larceny in the First Degree.)

FILED
APR 10 1963

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