

START

492

CASE

CASE # 492

INDEX TO WITNESSES.

	Direct	Cross	Re-Direct	Re-Cross
John T. Thomas,	2	22		
William B. Reilly,	39	45	45	45
Herman C. Stapf,	45	53		

Deft. Anderson pleads guilty, 80

CASE # 492

243
243

248

1

COURT OF GENERAL SESSIONS OF THE PEACE,
In and For the County of New York,
part 1.

-----X
THE PEOPLE OF THE STATE OF NEW
YORK,
vs.
ANDREW J. ANDERSON, ANNIE MURPHY
and IRENE PROCTOR.
-----X

Indictment filed January 3, 1905.

Charge; Grand Larceny, first degree, and
receiving.

Tried before HON. JOSEPH E. NEWBURGER, J.,
and a Jury.

New York, February 16, et seq, 1905.

A p p e a r a n c e s .

JOHN H. ISELIN, ESQ., Assistant District Attorney for the
People,

JOHN B. GOLDEN and HYACINTHE RINGROSE, ESQS., for the
Defense.

George F. Flack,
Official Stenographer.

CASE # 492

J O H N T. T H O M A S, called as a witness on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ISELIN:

Q Where do you live? A 729 8th avenue.

Q And what is your business? A Machinist by trade.

Q Do you remember the night of the 22nd day of January, 1905? A Yes, sir.

Q On that day did you see the defendants at the bar or any of them? A Not that day; in the evening.

Q When was it that you did see them if at all? A On the 22nd, I saw them about one o'clock, I think it was.

Q In the morning or afternoon? A Morning.

Q In the morning? A Yes, Sunday morning.

Q An hour after midnight? A Yes, sir.

Q And when was it that you first noticed the defendants? A In the back room.

Q Whereabouts? A On the corner of 26th street and 7th avenue, in a saloon there; I forget the number of it.

Q 282 Seventh avenue? A I think that is the number; I can't tell you for sure.

Q And what kind of a place is that? A A saloon.

Q Did you enter that saloon in the company of these defendants or anyone else, or did you go there alone?

CASE # 492

1370

A I was alone.

Q And where did you go? A In the rear room.

Q Where to? A To a table and sat down.

Q Was anybody else at that table at the time you sat down? A No, sir.

Q And what occurred after you sat down? A Well, this Annie Murphy came to the table.

Q First? A First. Then Anderson came.

Q That is the man defendant? A Yes, sir; and I ordered drinks, and then Anderson wanted to treat me.

Q How do you know that he wanted to treat you?

A Because he insisted upon treating me.

MR. GOLDEN: I object to that.

MR. ISELIN: I will consent to strike it out.

THE COURT: He said that he insisted upon treating him.

MR. ISELIN: I misunderstood.

MR. GOLDEN: That is a conclusion, in my opinion.

MR. ISELIN: No; he said it.

BY MR. GOLDEN:

Q You say he insisted upon it? A He says "Have one on me". I says "No; I can treat myself; I have money to

CASE # 492

4

pay for the drinks myself;" and he still insisted upon treating me; and I says "All right, if you insist upon treating me, I will pay for the next one."

BY MR. ISELIN:

Q Then what happened-- what was that treat?

A A glass of lager.

Q What did Anderson have if anything? A Lager.

Q And what did Annie Murphy have? A Lager.

Q At that time, when you had that drink on Anderson, was Irene Proctor there? A She came in at the time the drink was ordered and she had a glass of lager.

Q So, altogether, there were four glasses of lager brought to that table? A Yes, sir.

Q Did you taste yours? A I drank half of it.

Q And where did the other three defendants sit; at the table at that time? A Yes, sir.

Q Then what happened? A I drank half of my glass of lager and I was sitting there and I dozed off.

Q Did you go sound asleep? A No, I didn't go sound asleep, or I would not have felt a tug at my vest.

Q Then what happened after you dozed over? A I had my watch in my lower vest pocket on the right side, and the fob has got a clamp on it that was clamped outside the vest pocket.

Q What was it that had that clamp on? A The fob.

CASE # 492

Q Look at this (showing). A That is the charm that was with it, and the fob was on a silk ribbon.

Q This was on the ribbon of the fob? A Yes, sir, on the bottom, and there was a patent clamp on the top of the fob, and there was a chain about two and one half or three inches long from the clamp to the watch, and you had to pull on the vest to get the patent clamp off; and that is what woke me up; it was the tug at my vest pocket.

Q You felt a tug at your vest pocket? A Yes, sir.

Q When you felt that tug at your vest pocket, what did you do and say and what was said to you? A I jumped off as I felt the tug and felt my vest pocket, and says "Oh, my watch is gone"; and with that everybody was up at the table.

Q Who? A Anderson, Murphy and Proctor.

Q Standing up? A Yes, sir, and I made a plea for my watch.

Q Did you see the watch? A I seen it pass from Anderson to Annie Murphy and from there to Irene Proctor, and that was the last I seen of the watch.

Q What you mean when you say you made a plea for your watch? A "Now," I says, "give me my watch; I would rather lose the money that I have in my pocket than to lose the watch, because the watch was given to me as a present."

CASE # 492

6
Q Look at this and say whether that is the watch?

A Yes, sir; that is the watch.

Q That is the watch you saw in the hands of Anderson?

A Yes, sir.

Q And in the hands of Proctor? A Of Proctor, yes.

Q And in the hands of Murphy? A Yes. My initials were on the back of the watch.

MR. ISELIN: I offer the watch in evidence.

Admitted in evidence without objection and marked "People's Exhibit No. 1".

Q How about the charm; did you see that in the hands of either of the defendants? A I didn't see it. It was with the fob. I just seen the watch. I could see it better than I could the charm.

Q When you missed your watch, did you miss this charm?

A Yes, the whole fob and all.

Q When did you last see this charm before you missed it? A About a quarter after 12 I think it was when I looked at my watch; a quarter after or half past twelve, it was when I missed my watch.

Q Now, you tell us that that you say you would rather lose all your money you had in your clothes than this watch? A Yes, sir.

Q Up to that time, when you got up and said that your

CASE # 492

7
watch was gone, had either of these defendants said anything?

A No, sir.

Q Did they say anything then? A Yes, sir.

Q Who and what? A Anderson spoke up and says to me "Do you accuse me of taking your watch", and he started to pull off his overcoat, or make a motion at it, anyhow, and I knew what that meant, and I kept my mouth shut.

MR. GOLDEN: I move to strike that out.

THE COURT: Yes, strike it out.

BY MR. ISELIN:

Q And you did what? A I kept quiet. Then Anderson starts to go out the door, and Annie Murphy and Irene Proctor took hold of my coat and tried to hold me back; and I broke loose from them and ran out after Anderson and caught him at 7th avenue and 26th street and brought him back ~~him~~ again and got him at the table and says "Please give me my watch, because I would rather give you the money I have in my pocket than lose the watch."

Q Did he walk or run? A He walked as lively as he could.

Q What did you do? A I ran after him, after I broke loose from the women, and caught him at 26th street and 7th avenue and told him to come back in again.

1325
CASE # 492

Q Did he say anything to you then? A He said "I ain't got your watch."

I says "Come in, it is somebody in there that has got my watch".

Q Who else was in that room at the time that you noticed the loss of your watch and charm? A I can't tell you who they were.

Q When you brought him back to the rear room, what did you say? A I pleaded with him to give me the watch.

Q What did you say? A I says "I will give you the money that I have right in my pocket; I would rather lose that."

MR. GOLDEN: The District Attorney says what did you say?

BY MR. ISELIN:

Q Just tell us the words as near as you can recollect that you said to those defendants when you brought Anderson back into the room? A I says "Please give me the watch; I would rather give you the money that I have in my pocket, than to lose the watch."

Q Yes. A And by that time the night waiter and night bartender came in and told me that if I didn't keep down and keep my mouth shut they would throw me out through the window.

CASE # 492

MR. GOLDEN: I ask that that be stricken out.

MR. ISELIN: Just a minute, and I will verify it if I may.

BY MR. ISELIN:

Q At the time this night bartender and night waiter came in were these defendants or any of them present in that room? A Yes, sir.

Q How far away from the man who spoke in telling you to shut up were these defendants? A That is more than I can tell you.

Q How big was the room? A About ten by six, I think.

Q And in what tone of voice did the bartender or night watchman speak when he or they said what you have remarked to you?

A Oh, he spoke loud.

MR. ISELIN: I submit, if your Honor please, that the objection is not sound.

THE COURT: No. I will allow it.

BY MR. ISELIN:

Q Now, what did he say? A To go and sit down and keep quiet, or, he said, "If you don't, we will throw you out of the window!"

CASE # 492

Q To whom did he say that? A He said it to me.

Q Then what did you do? A I kept quiet.

Q What did you do? A Got up and went out and went to the 17th precinct.

Q Was anything more said up to that time between you and any of these defendants then what you have already testified to before this jury? A No, sir.

Q Now, you got a policeman, did you not at the 17th precinct? A No, sir.

Q Did you make a complaint? A I made a complaint.

Q When did you next see your watch? A I didn't see it till down at the Jefferson Market Court.

Q When was that? It was early on Sunday morning that you lost it. When did you see it after that? A I seen it on a Friday.

Q The following Friday? A Yes, sir-- yes, sir, Friday; it was Friday or Friday morning.

Q The 27th that would have been, wouldn't it? A Yes, sir; I think it was the 27th.

Q And in the morning? A And in the morning.

Q Who was present when you saw your watch in the Jefferson Market Court on the 27th of January? A Anderson, Murphy and Procter, and the two officers.

CASE # 492

Q Those two officers are present here? A Yes, sir.

Q You did not see these defendants arrested, did you? A I seen Murphy and Proctor arrested.

Q When? A Proctor was arrested on Sunday, about 11 o'clock.

Q In your presence? A No, sir; was arrested in the back room.

Q Then you didn't see her arrested, did you?

A Yes, I was there.

Q Then it was in your presence that she was arrested?

A Yes, sir.

Q Where was she arrested? A On 26th street and 7th avenue in the saloon.

Q The same saloon? A The same saloon at 11:45 I think it was.

Q In the morning or afternoon? A Morning.

Q Who arrested her? A Officer---

Q Is he here? A Yes, sir.

Q Stand up, Officer. (An officer arises.) Is that the one? A Yes, sir.

MR. ISELIN: What is your name?

THE OFFICER ADDRESSED: Stapf.

Q Now, when you came to this place at the time of the arrest of Proctor--- was it Proctor who was first arrest-

CASE # 492

ed? A No---

Q Murphy? A No; it was Proctor.

Q That is what I said. Now had you come to this place where Proctor was arrested, in this saloon, with the officer?

A No, sir; I came up from 729 just as soon as I could, to see Anderson.

Q What day of the week was it? A It was on Sunday morning.

Q A week after? A No; it was on the same Sunday morning.

Q Oh, the same Sunday morning? A Yes, sir.

Q About what time? A About 11:45 I think it was.

Q And was the officer inside when you got there?

A No, sir; he was standing on the corner, and I told the officer--

Q Don't tell us what you told the officer, but after you spoke to the officer you went into the saloon, did you not? A Yes, sir.

Q And did the officer go in? A Not with me.

Q And when you got in there what did you see? A Well, I see people in there, but I looked around to see whether I could see Anderson.

Q And did you see Anderson? A No.

Q Murphy? A No.

CASE # 492

Q Did you see Proctor? A No; Proctor was arrested then; she was locked up--- no, Proctor was in there.

Q Now, just who was in there? A Proctor and Murphy.

Q The two women defendants at this bar?

A Yes, sir.

Q Now, are you sure about that? A Yes, sir.

Q After you saw them in there, what did you do?

A I ordered myself a glass of lager.

Q You ordered yourself a glass of beer? A Yes, sir.

Q And you drank it? A I drank about two swallows of it, and by that time the officer broke in.

Q Did he smash the window? A No, sir; he shoved his way into the door, there was some man going out and he shoved himself in the door.

Q And what did you say to him and what did he say to you? A He said to me "Watch the door", or "Close the door." Well, I closed the door. And so he calls me in the room and says "Do you recognize anybody here that was here last night when your watch was taken?" I says "Yes, sir;" and I showed him.

Q Whom? A Proctor; and so he sent me up to the 17th precinct station to get the patrol wagon.

I went up and ordered the wagon and came down again.

CASE # 492

Q Before you left the saloon to go up for the patrol wagon, did you say anything to Proctor? A No, sir.

Q Did you say anything to Murphy? A No, sir.

Q Was Murphy present? A Yes, sir.

Q Sure about that? A Sure about that, yes, sir.

Q Did you say anything to the officer in the presence of these defendants about Murphy? A No, sir.

Q Why not? A Well, I don't know why. I didn't do it, but don't know why. Not to my recollection.

Q Did you hear Proctor say anything at that time?

A No, sir, not at the time I was there.

Q Did you hear the officer say anything to Proctor?

A No, sir.

Q So the officer did not arrest Proctor when you were there? A He arrested the house there for excise, and took her along for suspicion.

Q This was on Sunday? A Yes, sir.

Q The saloon was open? A Yes, sir.

MR. GOLDEN: All of this testimony about the saloon being open and the making of an excise arrest I move to strike out.

THE COURT: Oh yes; strike it out.

BY MR. ISELIN:

CASE # 492

Q Now, when you got back with the patrol wagon, was Proctor there? A Yes, sir.

Q Was Murphy there? A Murphy was there.

Q At that time did you say anything to the officer about Murphy? A No, sir.

Q Why not? A I don't know why I did not, but I did not.

Q Do you know when Murphy was arrested? A Was arrested on Sunday morning.

Q Did you see her arrested? A Yes.

Q Where? A On the corner of 26th street and 7th avenue.

Q In the saloon? A Yes, sir, in the back room.

Q By the same officer? A By the same officer.

Q Had you said anything to the officer about Murphy?
A No, sir.

Q But he arrested her anyhow? A Not Murphy, but Proctor.

Q I know about Proctor. Did you see Murphy arrested?
A Yes, sir.

Q When? A On Thursday.

Q Thursday after this Sunday? A Yes, sir.

Q Where? A At the corner of 26th street and 7th avenue.

CASE # 492

Q In the same saloon? A Yes, sir.

Q And by the same officer? A Yes.

Q At what time? A Well, I couldn't tell you exactly the time it was, but between eight and nine, I think it was or around there.

Q In the evening or morning? A In the evening. It was after nine, I think it was, for I think I was in bed when the officer came down and got me.

Q The officer came to you? A Yes, sir; came to my house, and told me to go up to see Murphy.

BY MR. GOLDEN:

Q This same officer? A Yes, sir.

BY MR. ISELIN:

Q Officer Stapf? A Yes, sir.

Q Was anyone in Stapf's company when he came to see you at your room? A Yes.

Q And you went with him? A Yes.

Q Where? A Up to 26th street and 7th avenue.

Q To the same saloon? A Yes.

Q And you went in there? A Yes, sir.

Q Did the officer go in with you? A Yes, sir.

Q What did you see in there? A I saw Murphy in there, and he arrested her.

Q Did you say anything to Murphy? A No, sir.

CASE # 492

Q Did Murphy say anything to you? A Yes, sir; she said something, but I didn't pay no attention to what she was saying.

Q Do you know to whom what she did say was said, whether to you or to the officer? A The officer done more talking to her than I did.

Q Were you present when Anderson was arrested?
A No, sir.

Q When did you next see all three defendants together? A On Friday, the following Friday, in the same week.

Q In the station house? A Yes, sir-- not in the station house, in the Jefferson Market Court.

Q Did you have any conversation with any of the defendants in Jefferson Market Court on the next Thursday?
A No, sir; I did not.

Q Didn't say anything to any of them? A No.

Q Nor did any of them say anything to you? A No, sir.

Q Did you hear them say anything to anybody else?
A Only to the officers.

Q To whom did you hear anything said, what did they say and to whom did they say it? A I can't tell you who the officers were there; I can't tell you what their names were.

Q But you heard them speak to someone there?

CASE # 492

A Yes; it is back of the bar.

Q You heard them speak to someone behind the bar?

A Yes, sir.

Q Which of the defendants did you hear speak?

A I heard Anderson speak; he was speaking to them about the watch, that he pleaded not guilty, and that was all about that.

Q Did you at any time see any of these defendants searched? A Searched?

Q Yes. A No, sir.

Q Who showed you this watch in the Jefferson Market Court? A Officer Reilly.

Q Was that in the presence of these defendants?

A Yes, sir.

Q They were there? A Yes, sir. He put it on the bar and showed it to me.

Q How far away were they from the bar? A Anderson was standing right beside the officer. Reilly asked me whether I wanted to see the watch and I told him "yes, sir, I did."

Q Did you buy that watch? A No, sir.

Q It was given to you? A It was given to me.

Q Let us go back to the night on which you say you were robbed. You went into this saloon at 7th avenue and 26th

CASE # 492

street about one o'clock in the morning? A Yes, sir.

Q Where did you come from? A From 51st street.

Q From where in 51st street? A A private house of a friend of mine that works beside me in the shop.

Q A machinist too? A Yes, sir.

Q And what time did you leave his house? A I left his house at half past twelve, I think it was.

Q And did you walk down? A No, sir; I got in a car and rode past the block I am living in, because I am a stranger in town and did not know just exactly the block.

Q What is your block? A Between 46th and 45th street.

Q You live on the avenue? A Yes; on 8th avenue.

Q Are you a married man? A No, sir.

Q And you rode down to 26th street?

A Yes, sir.

Q How long had you been at your friend's house? A Well, about half past nine, I think it was, that I went there.

Q And you stayed till half past twelve? A Yes. He came up to the house after me.

Q Did you drink anything that evening? A We had a couple of glasses of lager beer out of a pint there.

Q Is that all? A Yes, because there were four of us

CASE # 492

together, and a pint would not go very far.

Q You had only one pint? A Yes, sir.

Q And out of that pint of beer you had two glasses?

A Yes, sir.

Q Now, answer this truthfully, Mr. Thomas: Were you under the influence of drink at the time you went into the saloon at 26th street and 7th avenue? A No, sir; I was not.

Q You are sure you were not? A Yes, sir; positive of it.

Q Had you been working that day? A Yes, sir.

Q All day long? A Yes, sir.

Q What are your hours? A From seven till half past five.

Q Seven in the morning till half past five in the afternoon? A Yes, sir.

Q Where do you work? A On Broadway; 1557 Broadway.

Q And what is the name of the concern or firm?

A What is his name?

Q Never mind; how long have you worked for them?

A Two and one half weeks.

Q And do you work for them now? A No, sir; not for the same man. I got put off on account of being called to Court too often; I couldn't attend to my duties.

CASE # 492

Q Where are you working now? A On 22nd street, No. 536.

Q When did you come to New York? A On the 3rd of last month, this year.

Q From where? A From Jersey.

Q What part? A Newark, New Jersey.

Q And how long had you been there? A Four years, with the Crocker-Wheeler Company.

Q They are machinists? A Electrical works.

Q Ampere Company? A Ampere station.

Q So you did drink on this day immediately preceding this robbery, two glasses of lager beer with your friend?
A Yes, sir.

Q And you only had one glass in this saloon and nothing else? A All I can remember of is one glass, and I didn't drink the glass; only half of it.

Q You say that is all you can remember? A That is all I can remember of having there.

Q May you not have had ten glasses of lager beer and twenty of whiskey? A No, sir.

Q Sure about that? A Yes.

Q Then why is it that you can't remember? A That is all I had there. Half a glass of lager beer is all I drank out of the glass there.

Q You said that was all you can remember? A Yes, sir.

CASE # 492

CROSS EXAMINATION BY MR. GOLDEN:

Q Who were present besides these three defendants when you went into that saloon? A I don't know who they were.

Q Were these three persons there present when you entered? A Two of them was in there; Anderson and Murphy was in there, and Proctor came in after.

Q You testify however that they came in after you, did you not? A No, sir, I did not.

Q They were present when you came in? A Anderson and Murphy was in there at the time.

Q And Proctor was not? A She came in after I was in there.

Q Did you ask "Who will treat me" or did you not?
A I did not.

Q How did you come to go to the table where these two defendants were sitting? A They came over to the table where I was.

Q What table did you go to? A A table that there was nobody sitting at.

Q And where were they seated? A At another table.

Q In the corner of the room? A No, sir; at the side.

Q Were you seated in a corner of the room? A No, sir.

CASE # 492

Not that night.

Q What? A No, sir.

Q Not that night, you say? A No, sir; I was not.

Q Immediately before your going to this saloon, where had you been? A Down at 51st street.

Q You, of course, take a drink now and then, do you not? A I certainly do; yes, sir.

Q And you did that night? A Yes.

Q And where did you get the drink that you had when you entered the saloon? A Where did I get it?

Q Yes. A In the back room.

Q I said, when you entered this saloon?

MR. ISELIN: There is no testimony that he got any, Mr. Golden.

MR. GOLDEN: I want to find out whether he did or not.

MR. ISELIN: Then ask him.

THE WITNESS: What was that question you asked me.

BY MR. GOLDEN:

Q I asked where you got the drink before you entered the back room? A Where I got it?

Q Yes. A I didn't get it. It was brung into me.

Q Before you came into the saloon? A Down on 51st street.

CASE # 492

Q There is a saloon on 51st street? A It is a private house, in the rear of a saloon.

Q And how many drinks did you have there? A Two glasses of lager beer.

Q Is that all? A Yes.

Q Did you enter any other saloon from that time until you arrived at this saloon? A No, sir.

Q You say that this man (indicating defendant Anderson) treated you to a glass of beer and that you, on drinking half of it immediately fell into a doze? A Yes.

Q Do you generally fall into a doze after drinking half a glass of beer? A No, sir.

Q Why did you do it this time? A I don't know why. I think something was put into the lager that made me do it.

Q And you were sleeping soundly at the time were you? A No, sir.

Q What do you mean by a doze? A I was in just about half of a doze.

Q And you felt somebody tugging at your watch at that time? A Yes.

Q Did you recognize the person who was tugging at your watch at that time? A I seen the party walk away from me.

Q Yes; you saw a party walking away? A Yes, sir.

CASE # 492

Q And that party walked out the door? A No, sir.

Q If you had been looking in that direction you could have seen? A Yes; I was looking in that direction, but he did not walk out.

Q Where did he go to? A They were standing in the middle of the floor and all was in an uproar when I jumped up and made a holler for my watch; then everything was in an uproar in the middle of the floor.

Q And you did not recognize the person who was tugging at your watch? A Anderson was one who was seen walking away.

Q But you did not recognize the person who was tugging at your watch? That was the question? A No, sir; I didn't see him tugging at the watch.

Q Now, you spoke up and made known the fact that you had lost the watch? A Yes, sir.

Q And whom did you accuse? A I did not accuse nobody at the time.

Q You did not? A No, sir.

Q Didn't you accuse the man who got up? A Did I accuse the man who got up?

Q Yes. A No, sir; I didn't exactly accuse the man who got up.

Q You did not exactly accuse him? A No, sir.

CASE # 492

Q Did you accuse him in fact?

MR. ISELIN: I object to that question as calling for a conclusion.

THE COURT: What did you say to him?

BY MR. GOLDEN:

Q What did you say to the man who got up? A I didn't say anything to the man. I just spoke to all "Whoever has got my watch, give it back to me."

Q As a matter of fact you did not see the person who had taken your watch? A I seen the man that had gotten up from the chair.

Q How many people were in the room at that time?

A That is more than I can tell you.

Q Well, approximate it. A About eight or ten.

Q About ten? A About eight or ten.

Q You as a matter of fact were in a stupor at the time, were you? A Yes, till I felt the tug.

Q And you did not recognize anyone in the room particularly, did you? A Well, I recognized the three at the table with me, yes, sir.

Q But you did not accuse them of having taken it at all, did you? A No, sir, I did not.

Q Now, afterwards you said that Anderson had taken your watch? A Do you mean in the back room?

CASE # 492

Q Yes, in the back room? A No, sir, not there I did not.

Q You did not? A Not in the back room.

Q As a matter of fact you did not know what became of your watch; you knew that somebody had taken it, but you did not know who? Answer that yes or no? A Say that over again.

Q As a matter of fact, you knew nobody who had taken your watch? A I did know who took the watch, but I didn't make the charge out publicly in the back room.

Q You knew who took the watch and did not make it known at the time; you think so much of that watch and yet you did not make it known at the time? A If I had made it known at the time I would have gotten my head knocked off.

Q Then why did you make it known thereafter? A After I went up to the police station I made it know.

Q Did you try to get a policeman after leaving the back room? A I went out to see if I could find a policeman, but there was no policeman there; so I walked up to the 17th precinct and made a complaint.

Q Now, the fact was this, was it not: you did not know who had taken your watch, but you did know these three people who had been at the table with you? A I know that Anderson took the watch.

Q You did not say so; you have just testified that you

CASE # 492

did not know who took the watch? A I said I knew it, but did not make it public.

Q Did you not say you were in a stupor? A Yes.

THE COURT: He has repeatedly stated that he knew who took it, but did not make the announcement publicly.

MR. GOLDEN: I understood him to say---

He stated that he did not see anyone take the watch.

THE COURT: Yes.

MR. GOLDEN: That he did not see the man take the watch and does not know.

BY MR. GOLDEN:

Q That is a fact, isn't it; you don't know who did take your watch; you don't know who was tugging at your pocket, do you? A Did you say I didn't know the man who took my watch?

Q You don't know who the man was who was tugging at your pocket and thereby took your watch? A (No answer).

BY MR. ISELIN:

Q Do you know or do you not? A I knew who took it, yes.

BY MR. GOLDEN:

Q Were you not in a stupor at that time? A I certainly was in a stupor.

Q And did you not testify that you did not see the

CASE # 492

man at that time take it? A I seen him walking away from me and passing the watch.

Q That is the first time you said anything about passing the watch?

MR. ISELIN: I object to that.

THE COURT: He stated it on his direct examination two or three times.

MR. GOLDEN: I mean on his cross examination.

I am talking about this specific time.

Q I know you testified here that you ~~said~~ accused Anderson of taking that watch afterwards. Now, didn't Anderson attempt to take off his coat and say "Do you think I have got your watch, search me"? A He did; but the watch was passed before he done that.

Q He attempted to take off his coat to give you an opportunity to search him? A Yes, sir; to search him after the watch was passed away from him.

Q Then why did you say that he took off his coat because he was going to knock your head off? A Because if I had told him that he did take the watch, he would have knocked my head off, probably.

MR. GOLDEN: I object to that.

MR. ISELIN: He called for it.

THE COURT: He called for it. Objection overruled.

ed.

CASE # 492

MR. GOLDEN: It was not in the way I asked for it.

THE COURT: I cannot help that. Objection overruled, and you may have an exception.

BY MR. GOLDEN:

Q You testified that he started to take off his coat, just now, to give you an opportunity to search him?

A I did not testify that he took off his coat at all.

Q That he attempted to, so that you could search him? A Yes, after he passed it.

Q Wait; there is no question. Why did you testify that he had taken off his coat for the purpose of knocking your head off, as you express it? A Because he said "Do you say I stole your watch"? And was taking off his overcoat.

Q And didn't he say "Search me"? A Yes, but that was after the watch was passed over.

Q Now, you left the saloon, did you not, alone?

A Yes, sir, when I went up to the 17th precinct.

Q And these three people remained in the saloon?

A Yes; they were in the saloon when I left.

Q Didn't you testify in your direct examination by Mr. Iselin that they had come out of the saloon before you had left? A No, sir.

CASE # 492

MR. GOLDEN: Isn't that a fact, Mr. Iselin?

MR. ISELIN: I don't think so. Anderson had gone out.

MR. GOLDEN: I mean Anderson.

Q Anderson had remained in there? A Yes, after I had brought him in again.

MR. ISELIN: Anderson had walked out and the complainant ran after him, and caught him at 7th avenue and brought him back.

BY MR. GOLDEN:

Q Now, you had visited this saloon on Sunday night, had you not? A Yes, sir.

Q This alleged larceny occurred on Sunday morning?
A Yes, sir; I went in there on Sunday evening.

Q And the alleged crime occurred early in the morning, didn't it? A Yes.

Q Did you see Anderson in the saloon when you entered the saloon on Sunday night? A No.

Q But you did see Murphy? A Yes, sir.

Q And you had the drink on Sunday night? A That is more than I could tell you just now.

Q Will you say that you did not have a drink? A I won't say that I did not have a drink, and I won't say

CASE # 492

that I did, because I don't recollect.

Q Did you on Monday night visit this saloon?

A I certainly did; yes, sir.

Q And there did you see Anderson?

(The witness hesitates.)

Q It does not require---

MR. ISELIN: Just let him answer.

A I can't tell whether it was Monday or Tuesday night that I seen him in the saloon. He was going in the back room and I was standing outside, talking about Anderson, whether they had seen him, and I can't tell you whether it was on Monday night or Tuesday night.

Q He saluted you that night?

A I said "Good evening" to him.

Q Yes. And he said "Good evening" to you?

A Yes.

CASE # 492

1

Q What did you do immediately after you saw Anderson, if anything? A I went out to get an officer.

Q And did you get an officer? A I did.

Q And what was the outcome of your getting the officer?

A Why, to have Anderson arrested.

Q I know, but what followed when you got the officer?

A We came back to the saloon.

Q And was Anderson there? A No, sir.

Q Now, you made known your loss on Sunday night, did you not? A Yes, sir.

Q And on Sunday morning you also accused Anderson of having taken it? A Yes, sir.

Q Both times, did you not? A Yes, sir.

Q Now, on Sunday night Proctor was arrested? A On Sunday night?

Q Yes. A No; she was arrested Sunday morning.

Q At what time? A About 11:45, I think it was.

Q How do you know? A Because I was there.

Q Was Anderson in the saloon at the time? A No, sir.

Q But you had made known, every time, that you had gone to that saloon, that Anderson was wanted? A No, I did not every time.

Q Well, many times; you have been there several times? A I think I made it known once or twice.

CASE # 492

BY MR. ISELIN:

Q Before or after she was arrested? A After she was arrested.

Q After Proctor was arrested? A Yes, sir.

BY MR. GOLDEN:

Q Yes; Proctor was arrested in the early morning when the commotion occurred? A Well, about 11:45.

Q Yes, that is right. Now, how long did you stay at the table with these people? A I think it was about a little after one.

Q I mean, how many hours or minutes had you been at the table with these people? A About fifteen or twenty, I guess.

Q Is that all? A That is all.

Q Are you sure that it was not an hour? A No, sir; it was not an hour.

Q Are you sure it was not half an hour? A No, sir; it was not.

Q Fifteen or twenty minutes, you say? A Yes, sir.

Q And during that time this man bought one drink, so that you had two? A No, sir; I can only remember having one drink.

Q Did you know these people before you had gone into the saloon? A I seen them in there three or four times.

CASE # 492

before; I think about four times.

Q Are you a married man? A No, sir.

Q And where do you live? A 729 Eighth Avenue.

Q How long have you lived there? A Since -- about a month, I think, I have been there.

Q Where did you live before that? A Up on New Broadway.

Q How far up? A I can't tell you exactly what the number is.

Q What caused you to go down to this saloon at that time? A What caused me to go down there?

Q Yes. A Because I got a car at 53rd Street, and rode past the block I live on.

Q And what block do you live on? A Between 46th and 45th Streets, on Eighth Avenue.

Q Anderson was ~~there~~ arrested on what day or what night? A Anderson was arrested on the --

Q Well, was it Thursday or Friday? A I ain't sure whether it was Thursday or Friday.

Q And in the same saloon he was arrested? A He was arrested in the same saloon.

Q Were you with the officer when he was arrested?
A No, sir.

Q How do you know it was one o'clock when you reached

CASE # 492

that saloon? A I know it was about half-past twelve when I looked at my watch, and that was down at the corner of Eighth Avenue -- not Eighth Avenue; at the corner of Tenth Avenue and 26th Street I looked at my watch to see what time it was, and walked up to Eighth Avenue to get a car to go back again to 46th Street.

BY MR. ISELIN:

Q In New York we call that going up? A Well, I get puzzled up by up and down here; and I walked up to Eighth Avenue, and there was a block on the line there; so I thought, "Well, I will walk up to Seventh Avenue;" and I walked up to Seventh Avenue, and there was no car in sight, and I thought, "I will go in and have a glass of lager beer, and come out and go home."

BY MR. GOLDEN:

Q How many times have you seen the defendant Murphy since the alleged crime? A Twice.

Q She was arrested on Thursday, wasn't she? A Murphy?

Q Yes. A She was arrested on Thursday; yes, sir.

Q And during that time you had seen her several times?

A Well, I had seen her every night, because I was up there several times to see if I could see Anderson.

Q You did not make the complaint against this ~~MAN~~ woman before? A No.

CASE # 492

Q Then why did you make the complaint against her then? A Because she was implicated in the case. The watch was passed to her and from her to Murphy.

Q She was present when Proctor was arrested? A Yes, sir.

Q And why didn't you insist upon her arrest, since she was implicated in the crime? A I don't know why I did not.

Q Wasn't it the most natural thing to do? A Well, I didn't know that.

Q You knew that you wanted to get the watch, and if she were one of those who was implicated in it, would you not try to get her arrested? A She told me, "I will be here any time."

Q And for that reason you did not order her arrest? A There was enough of a disturbance and uproar then without it, and I thought the best thing to do was to keep it quiet for awhile and maybe they will get the other party.

Q And that was the reason why you did not have Murphy arrested at that time? A yes, sir.

Q Then why did you say a little while ago that you did not know why? A I didn't think of it then.

Q But you think of it now? A Yes.

Q You have had three or four weeks to think about this case? A I did think of it, but not at the present time.

Q Why did you testify to it now and not two minutes

CASE # 492

ago? A Because I thought of it now.

Q And you did not think of it in three weeks? (No answer.)

Q Now, there was actually a raid at this place, wasn't there, when Proctor was arrested? A yes, Sunday morning.

Q And if Murphy had been present at that raid, she would have been arrested, wouldn't she?

MR. ISELIN: Objected to as calling for a conclusion, and as being argumentative.

(No ruling.)

BY MR. GOLDEN:

Q She was not arrested in that raid? A No.

Q Everybody else was? A No.

Q Everybody in there was? A No, sir.

Q How many were in there? A I don't know how many were in there, but there was a couple that went out after the officer was in there.

Q But I mean that all those present at the time were arrested in the raid? A No.

Q How many were left? A I don't know.

Q Would you say three? A I won't say how many.

Q Would you say one? A I won't say how many.

Q As a matter of fact, you don't know? A No.

Q If only one was, then you won't say it? A No, I won't

CASE # 492

say.

Q How is it that you won't say whether it was one?

MR. ISELIN: Because he says he does not know.

THE COURT: He says he does not know the number.

MR. GOLDEN: He says he did not know. He can surely say if it was at least one.

THE COURT: I am not going to argue with you about the matter.

MR. GOLDEN: All right, if your Honor please.
That is all.

WILLIAM B. REILLY, called as a witness on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ISELIN:

Q You are an officer of the Municipal Police Force of the City of New York? A Yes, sir.

Q And your precinct? A 17th.

Q Did you arrest any or all of the defendants at the bar? A Me and Officer Keogh arrested Anderson Friday night.

Q Where? A At this saloon at 26th Street and Seventh Avenue.

BY THE COURT:

Q In the same saloon? A Yes; the following Friday night.

CASE # 492

BY MR. ISELIN:

Q In the rear room or in the barroom? A In the barroom.

Q On Friday? A Friday night.

Q Was the complainant with you? A No.

Q Had you seen the complainant? A Well, I seen him two or three nights previous to that. I took him around with me looking for this man Anderson.

Q And what was Anderson doing when you went in there on the night you arrested him? A Standing at the bar. The man in the barroom sent out for us. He sent out and told us that this Anderson was in there.

Q And in consequence of the information you received from the bartender, did you see Anderson? A Yes, sir.

Q And what did you do? A Took him down to the station house.

Q What did Anderson say? A He wanted to know why I arrested him, and I told him, "For implication in this robbery".

Q Did you tell him what goods were alleged to have been taken? A Yes, sir.

Q Tell us what you said? A I told him he was arrested on suspicion of being connected with this robbery. I didn't charge him right with it until I could produce

CASE # 492

the evidence.

Q What did he say to that? A He said he didn't do it. So then the next morning I had him held for twenty-four hours.

Q On a short affidavit? A Yes; and I went up to this store where I was told he sold the stuff, and I went in there to this jewelryman.

MR. GOLDEN: I move to strike that out.

MR. ISELIN: I consent.

THE COURT: Yes.

BY MR. ISELIN:

Q You went up to a store in consequence of certain information that you had received? A Yes, sir.

Q Where was this store, and what kind of a store was it? A At 155 West 27th Street, a second-hand jewelry store.

Q And what did you find in there? A I went in there and told the man that --

Q Don't tell us what you told him. You did not take Anderson with you? A No; I went in alone.

Q And after talking to the man, did you get anything? A Yes, sir; I got that watch and locket.

Q What did you do with the watch and locket when you got them? A Took them to the station house; held them till

CASE # 492

next morning, and then got Thomas and he identified them. Then I sent the property down to the property clerk.

Q Did you show it to this defendant? A I showed him his own watch in Jefferson Market the next morning.

BY MR. GOLDEN:

Q The question was, did you show it to him? A Yes, I showed it to him the next morning.

BY MR. ISELIN:

Q What did he say? A He wouldn't say a word; and I showed it to Thomas and Thomas identified it.

Q Had this watch been pawned, do you know, or was it sold? A No, it was sold.

MR. GOLDEN: That is objected to.

THE COURT: I will allow it.

MR. GOLDEN: Exception.

BY MR. ISELIN:

Q How do you know that? A Because the man that was with him when he sold it told me.

MR. GOLDEN: Objected to.

THE COURT: Yes; sustained.

BY MR. ISELIN:

Q Who was the man? A A fellow they call a Mr. Duthey; he beat it that night.

Q What do you mean by that? A He went away, and we

CASE # 492

couldn't find him any more after that night, and I had the jewelry down in court the next morning, and he identified Anderson as the man that brought the watch there.

MR. GOLDEN: I object to that.

(No ruling.)

BY MR. ISELIN:

Q You have not got the jeweler here? A No, sir; but I can get him here.

Q Is that the same watch that the jeweler gave you?
A Yes. The Magistrate in the court told me that I did not need him that morning.

MR. GOLDEN: I object to that.

MR. ISELIN: Yes, I consent that that be stricken out.

Q Please confine the exercise of your intellectual faculties to answering questions which I endeavor to put to you. Now, when you had this conversation with the jeweler about Anderson, if you had such a conversation, where was it? A In his store.

MR. GOLDEN: We object to the conversation, your Honor.

MR. ISELIN: Yes; I certainly don't ask for it.

MR. GOLDEN: I object to anything concerning the conversation.

THE COURT: With Anderson?

CASE # 492

MR. GOLDEN: No; with the jeweler.

MR. ISELIN: I don't ask for any conversation with the jeweler.

MR. GOLDEN: All right.

BY MR. ISELIN:

Q Now, did you bring the jeweler down to Jefferson Market? A Yes, sir.

Q Was Anderson present when the jeweler was present in court? A Yes, sir.

Q How far away was Anderson from the jeweler at the time the jeweler spoke, in your estimation? A About five foot.

Q Did Anderson say anything after the jeweler had spoken? A No, sir.

Q You don't know whether Anderson heard what the jeweler said, do you? A No; I don't think he did hear what was said.

MR. ISELIN: This is perfectly evident to your Honor the situation in which the People find themselves in this case.

THE COURT: After you get through with your testimony as to both officers, I shall let the case stand over till after recess in order to enable the officer to go up and get the jeweler.

CASE # 492

MR. ISELIN: That is all I have to ask at this time.

THE COURT: Any cross-examination?

MR. GOLDEN: Yes; a few questions.

CROSS-EXAMINATION BY MR. GOLDEN:

Q You did not arrest him yourself? A No; me and Officer Keogh. I was assigned.

RE-DIRECT EXAMINATION BY MR. ISELIN:

Q Did you have any conversation with any of these defendants other than what you have already told us?

A No, sir.

RE-CROSS EXAMINATION BY MR. GOLDEN:

Q The jeweler was present in the police court? A Yes, sir.

Q And he was not called? A No; he was not called.

MR. ISELIN: High tribute to the Magistrate!

HERMAN C. STAPF, called as a witness on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ISELIN:

Q Officer, you are a member of the police force of this city, at present attached to the 84th precinct, are you

CASE # 492

not? A Yes, sir.

Q Where were you attached on the 22nd of January of this year? A To the 17th precinct.

Q And on the early morning of that date, about one o'clock, on the 22nd of January, were you on post? A Yes, sir.

Q Where was your post? A On Seventh Avenue from 23rd to 27th Streets.

Q One side or both? A One side; the west side of the avenue.

Q Did you arrest the defendants, or either of them? A I arrested the two female defendants.

Q Proctor and Murphy? A Yes, sir.

Q That is right? A Yes, sir.

Q When you arrested the defendant Proctor -- that was on what date? A Sunday, January 22nd, about 11:30 A. M.

Q Where? A In the rear room of this saloon at 282 Seventh Avenue.

Q Who was with you, if any one? A The complainant, Thomas.

Q Who went into the saloon first, you or Thomas? A Thomas.

Q Then you entered? A yes, sir.

Q And you say the arrest was effected in the rear room? A Yes, sir.

Q Did you speak to the defendant Murphy? A I can't

CASE # 492

recall.

Q Was it Murphy or was it Proctor? A It was Proctor.

Q Did you speak to Proctor when you arrested her?

A Yes, sir.

Q What did you say to her when you arrested her?

A I told her she was under arrest.

Q What did she say? A She wanted to know what for. And I told her, "On suspicion of having stolen this man's watch." He identified her as one of the--

Q Do you say that he identified her, or did she say anything, or did he identify her?

THE COURT: The officer says that he said that.

BY MR. ISELIN:

Q What did the complaining witness say in the presence of this complainant, by which you mean that he identified her? A I asked him, was anybody in the room, of those three people that sat at the table with him that morning when he was robbed.

Q This you said in the hearing of the defendant Proctor?

A Yes, sir.

Q So that she could hear it? A Yes, sir.

Q In your opinion? A Yes, sir.

Q And what did Thomas say? A That Irene Proctor was

CASE # 492

one of the two women that was at the same table with him when he was robbed.

Q Go on; what was said by you to Proctor, and by Proctor to you? A I just told her she was under arrest on suspicion of having stolen this man's watch and chain.

Q And what did she say? A She said she did not steal it.

Q And what did you do with her; did you say anything more to her? A No, sir; I did not.

Q Did Thomas, the complaining witness, say anything when Proctor stated that she had not stolen it? A No, sir; he did not.

Q He did not? A Not that I can remember, no, sir.

Q What did you do with her? A Took her down to the station house.

Q Did she say anything further there? A I charged her with being drunk and disorderly, also on suspicion of having stolen this man's watch and chain, on Thomas's complaint.

Q What time was it when you arrested her in the Seventh Avenue saloon? A About 11:30 A. M.

Q Sunday morning? A Yes, sir; Sunday morning.

Q And at that time, in your opinion, was this Proctor under the influence of liquor? A She was under the influence.

CASE # 492

Q She was? A Yes, sir.

Q Was she able to walk? A She was able to walk, yes, sir, but not able to take care of herself, though. She was using bad language and cursing in the back room.

MR. GOLDEN: I don't see the relevancy of that, your Honor.

THE COURT: I do not see that you ought to object to it.

MR. GOLDEN: I ask to have it stricken out.

THE COURT: No, I will deny your motion in the interest of the defendant.

BY MR. ISELIN:

Q And did you have any further conversation at any time with this defendant in the police court or at any time -- Proctor? A Well, there were some others arrested in the same raid --

Q A raid on the saloon? A Yes, sir.

Q About half-past eleven on this Sunday morning?

A Yes, sir.

Q A raid made from your precinct, the 17th? A Yes, sir.

Q And were some others arrested? A Yes, sir.

Q I don't want what you said to them unless Proctor heard it? A Well, I arraigned the others the next morning, but Irene Proctor was not arraigned because she was taken

CASE # 492

with delirium tremens that same night in the station house where we keep our female prisoners; and I arraigned her, I think, Wednesday morning after, or Thursday morning; I am not positive.

Q Did you say anything to her? A And I told her that if she told me where I could find this Andrew Anderson, I would be lenient with her. I told her she would have to put it up to him or it would be put up to her.

Q That she would have to stand for it herself? A Yes, sir.

Q And what did she say? A At first she tried to convince me that she didn't know nothing about it.

Q Did she say she didn't know anything about it? A She told me that she didn't steal the watch, and I says, "Tell me where I can get this Andrew Anderson", because I understood that Andrew Anderson was her fellow.

MR. GOLDEN: I object to that.

MR. ISELIN: I consent that it be stricken out.

THE COURT: Yes.

A (Continuing) And she told me she could not tell me. Of course, I would not believe that, and I told her it would be put up to her. Then she got very abusive and told me she would fix me, and so on.

Q And that was all the conversation you had with her?

A That was all, yes.

CASE # 492

Q At any time? A Yes, at that time.

Q And in the police court did you hear her plead before the Magistrate? A She pleaded Not Guilty.

Q Now, tell us about whether you arrested the other defendant Murphy; did you? A Yes, sir.

Q When was that? A On the following Thursday night.

Q That was the day that Irene Proctor was arraigned, wasn't it, in the police court, according to what you said?

A I had her held over.

Q I know, you had her held over, but you had her held over till Thursday, wasn't it? A I had her held over till Friday.

Q Where did you arrest this other woman, Murphy?

A In the back room of the same saloon.

Q At Seventh Avenue and 26th Street? A Yes, sir.

Q In this County? A Yes, sir.

Q It is in this County, isn't it? A Yes, sir.

Q The saloon? A Yes.

Q And what time of day was it? A When I arrested Annie Murphy?

Q Yes. A Nine o'clock.

Q Morning or evening? A Evening.

Q Was this in the course of a raid, too? A No, sir.

Q Was the complainant with you? A Yes, sir.

CASE # 492

Q Did he go into the saloon first, or did you go together? A He went in first and then came out again and told me she was in there.

Q Never mind what he told you. Then you went in?
A Yes. Then I said, "Which one is Annie?"

MR. GOLDEN: Asked whom?

BY MR. ISELIN:

Q Asked Thomas? A Asked Thomas; yes, sir.

Q Did you speak loud enough for Annie to hear?
A Oh, yes; she heard it.

Q You said, "Which one is Annie?" A Yes; and he said, "This one".

Q Pointing at whom? A Annie Murphy. He said she was the young woman that was at the table with him that night.

Q Did he say why she was the young woman who was at the table with him that night? A Thomas said that Annie Murphy was the other woman that was at the table with him on the night he was robbed.

Q Did Annie say anything to that? A She admitted she was at the table.

Q Don't tell us that she "admitted"; tell us what she said? A She said she was at the table that night, but did not take any hand in stealing the watch and chain, that it was Andy Anderson.

CASE # 492

Q Was anything else said? A She said that, if she had stolen that watch and chain, she certainly would not have stayed around. She said she would have went away.

Q Anything else? A She said she was not afraid of being arrested, because she said she was innocent.

Q Anything else at any time? A I can't remember.

Q Then you took her down to the house, did you not?

A I took her down, yes, to the 17th precinct station house.

Q And you arraigned her in the police court when?

A The following morning.

Q At any time did you have any further conversation with her? A Well, I believe the same thing--

Q No; what did you tell Annie Murphy? A I told her to squeal on this Andy Anderson and she would get out of it.

Q Did you believe at that time that you had any right to tell her that, Officer? A No.

Q How long have you been on the force? A I have been on the force over two years.

CROSS-EXAMINATION BY MR. GOLDEN:

Q Officer, where did the conversation occur where Murphy, one of the defendants, said that Andy Anderson had taken the watch? A It was on the way to the station house.

Q How far is the station house from the saloon?

A 20th Street, and the saloon is at 26th Street.

CASE # 492

Q Six or seven blocks? A Yes.

Q And for the first time, on your way to the station house, she stated that Anderson had taken this watch?

A She said, "If anybody took the watch, it was Anderson". She said she had nothing to do with it.

Q "If anybody had taken the watch" -- but she did not say that the watch was taken, did she? A No, she didn't say that.

Q She simply said, "If anybody has taken the watch, it was Anderson"? A Yes. She said that she had no doubt the man lost his watch, but that she had nothing to do with it.

Q Yes; that she had nothing to do with it? A Yes, sir.

Q But she did not say unqualifiedly that Anderson had taken that watch? A (No answer.)

Q What are you thinking about, Officer? A That question.

Q Speak up. A Wait a minute.

Q What are you thinking about?

THE COURT: That is not proper. The witness is entitled to some consideration, and if his answers are not satisfactory, you should ask the Court to instruct the witness.

MR. GOLDEN: Will your Honor kindly instruct the

CASE # 492

witness to answer that question?

THE COURT: Certainly.

BY THE COURT:

Q Witness, answer that question. A She said she believed that Andy Anderson had taken the watch.

BY MR. GOLDEN:

Q But you just testified that she said that Anderson had taken that watch, did you not? A Well, that is as much as to say that it was her belief that, if anybody had taken it, it was Andy Anderson.

Q You said unqualifiedly that she said Anderson had taken that watch, did you not, Officer? A Yes, I testified to that.

Q Now, you testify that she conditionally said that, don't you; that she thought Anderson took the watch? A Yes.

Q The statements don't coincide, do they, Officer?

MR. ISELIN: Now --

THE COURT: Do not argue with the witness, please.

MR. GOLDEN: All right, if your Honor please.

Q Immediately on arresting this Murphy woman, what conversation did you have with her; did you not rather ask her whether she had taken the watch or not? A (The witness hesitates.)

BY MR. ISELIN:

CASE # 492

Q Did you ask her that question? A (No answer.)

BY THE COURT:

Q Why hesitate? A I told her she was under arrest on suspicion of having been implicated in the theft of this watch from Thomas; that he identified her as the woman whom Andy Anderson passed the watch to.

BY MR. GOLDEN:

Q And she at that time -- I mean, not afterwards -- but at that time said that she knew nothing about the watch, didn't she? A Yes.

MR. GOLDEN: May I ask, if your Honor please, that you have the witness's hesitancy stopped?

THE COURT: I have no legal power to do that.

MR. ISELIN: He has a right to make sure of his answer. He is under oath.

BY MR. GOLDEN:

Q And at that time she said she did not know anything about the watch, didn't she? A Yes, sir; she did say that.

Q The conversation from the time you ~~WEEK~~ arrested her, until the time she arrived at the station house, appertained to this subject, did it not? A Yes.

Q You asked her the question and she said she did not take the watch, and that she knew nothing about it? A She said she did not take it.

CASE # 492

Q And that she knew nothing about it? A She said she knew about the case in the back room; that she knew all about that.

Q What? A That she knew about the case in the back room, and she told me about the back room, and everything else; she was there, she said.

Q But at no time in her conversation -- A (Interposing) She said she sat at the table with the man.

Q But at no time in the conversation did she ever accuse Anderson of taking that watch -- at no time in the conversation; understand me?

MR. ISELIN: Oh --

THE COURT: "Did she say so at any time in the conversation"?

BY MR. ISELIN:

Q Did she say positively that he took it? A She didn't say it positively.

Q What did she say?

MR. GOLDEN: I am doing the cross-examination now.

THE COURT: He is answering the questions, if you would not interrupt him so much.

BY THE COURT:

Q Go on, Officer. A On the way to the station house she said that there was no doubt that Thomas lost his watch, and if anybody took it, it was Anderson; and she said, "I am

CASE # 492

not afraid of being arrested, because I am innocent; I had nothing to do with the theft of the watch."

BY MR. GOLDEN:

Q She said she had not taken it? A yes, sir.

THE COURT: You have repeated that a dozen times.

BY MR. GOLDEN:

Q And she also said that Anderson did not take it.

THE COURT: He did not say that. He says that she stated, if it was taken, he probably took it. He has repeated it and repeated it.

BY MR. GOLDEN:

Q Where was this conversation? A On the way to the station house.

Q But at the station house she said nothing about Anderson at all, did she -- at the station house? A She told the whole story of the affair to Detective Keogh.

MR. GOLDEN: I didn't ask that.

MR. ISELIN: I submit that the answer is proper.

THE COURT: It is a proper answer. I will allow it to stand.

BY MR. ISELIN:

Q Finish your answer. A The prison detective, Martin Keogh; he questioned her in the back room.

BY MR. GOLDEN:

CASE # 492

Q She said she knew Martin Keogh? A (No answer.)

BY MR. ISELIN:

Q Did you hear him? A I didn't hear the conversation going on. Detective Keogh--

THE COURT: Do not tell us what Keogh said.

BY MR. ISELIN:

Q Did you hear what she said to ~~you~~ Keogh, and what Keogh said to her? A I heard some of the talk.

BY THE COURT:

Q What did you hear? A She told him the same thing that she told me, that she was sitting in the back room at the table, and that this man had lost his watch, and that he got up and asked for his watch, and there was a general uproar in the back room.

BY MR. GOLDEN:

Q That is all you heard, Officer? A That is all I can remember, yes.

Q You did not hear anything about accusing this man Anderson at all; that is all you heard? A All I can remember.

MR. GOLDEN: All right, Officer; you are excused.

MR. ISELIN: If your Honor please, owing to the unfortunate condition in which I find myself of unpreparedness in this case--

THE COURT: You need not apologize. The case will

CASE # 492

go over until 2:15 o'clock.

The Court admonished the jury, according to Section 415 of the Code of Criminal Procedure.

At 3:25 P. M. the Court again admonished the jury, and adjourned the further hearing of the case till tomorrow, Friday, February 17th, 1905, at 10:30 A. M.

Friday, February 17, 1905; 10:30.

MR. TOWNSEND: If your Honor please, after having thought over this case and given it over-night deliberation, I have come to the conclusion, as the District Attorney prosecuting in this Part of the Court, that the evidence shows some doubt as to the guilt of the two women defendants in the case, Proctor and Murphy.

I therefore abandon the case as to the two women defendants, but not against the male defendant Anderson.

THE COURT: I agree with the District Attorney, gentlemen of the jury, and direct you to acquit the two female defendants, Annie Murphy and Irene Proctor.

The male defendat, Andrew J. Anderson, thereupon pleaded guilty to grand larceny in the second degree.

CASE # 492