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COURT OF GENERAL SESSIONS OF THE PEACE,  
City and County of New York,  
Part II.

-----X  
THE PEOPLE  
vs.  
IRENE CURTIS.  
-----R

Before  
HON. JOSEPH E. NEWBURGER, J.,  
and a Jury.

Tried, New York, March 13, et seq, 1905.

Indicted for Robbery in the First Degree.

Indictment filed March 7th, 1905.

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

ASSISTANT DISTRICT ATTORNEY FRANK A. LORD, for the People,  
JOHN J. MEARA, ESQ., for the Defense.

Frank S. Beard,  
Official Stenographer.

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THE PEOPLE'S TESTIMONY.

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

DIRECT EXAMINATION BY MR. LORD:

Q Where do you live? A Boston.

Q Where? A Boston.

Q You will have to talk a little louder? A Boston, Massachusetts.

Q And what did you work at up there? What is your business? A Soliciting advertising mostly.

Q Soliciting advertising mostly? A Yes, sir.

Q Now, on the 4th day of March last, you were in the City of New York? A Yes, sir.

Q And had been for sometime? A I had been about two days.

Q Had you ever been in New York before? A Yes, sir;

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twice before.

Q Now, where did you first see this woman, on that day?

A On 23rd street between 7th and 8th avenues.

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

Q And what time of day or night was it? A Well, it was after one o'clock I met her.

Q In the morning? A Yes, sir, in the morning; it was after one o'clock.

Q Did you speak to her? A As I was going along the street, she spoke to me.

Q And you were alone, I take it? A Yes, sir.

Q As was the defendant? A Yes, sir.

Q And what did she say? A She said, "Hello, darling", and asked me to buy her a drink.

Q Yes. What did she say when she asked you to buy a drink? What were her words? A "Hello, darling, won't you buy me a drink?" And I said, "Yes."

Q And where did you go with her? A I went down 8th avenue and stopped in one saloon. I don't know the streets here very well.

Q Down on 8th avenue? A Yes, sir; towards Fifteenth street. That was the first place we stopped at.

Q Did you go into the side door? A Yes, sir.

Q And went into the back room? A Yes, sir.

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Q And took a seat at a table? A Yes, sir.

Q And did you have anything to drink?

A Yes, sir; two whiskies.

Q One for you and one for the defendant? A Yes, sir.

Q And then you drank them? A Yes, sir; and then we went down to 8th avenue near 15th street and we just stayed a few minutes there.

Q Just got a drink and came out again? A Yes, sir. Then we went to 109 8th avenue and two or three drinks, that is I had two or three drinks myself and she had the same; and we went out of there to 216 West 15th street.

Q She had asked you to go there, had she? A Yes, sir.

Q Well, was the purpose of your visit discussed at all?

A Well, yes, it was in the saloon.

Q Well, now, just tell the jury what was said there, will you?

A She told me that she had a friend at 216 West 15th street that had a room and wanted me to go to the room and the room would cost me one dollar.

Q And she was to accompany you to the room?

A Yes, sir. So I went to the room with her, and, when we got

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into the room I took off my coat, collar and necktie, and she went to her bureau drawer, and brought out a revolver, and showed it to me, and she said, "You see, it is loaded?"

And I said, "I do." It was loaded. And she laid it down on the bureau.

And, at the saloon, I had bought a bottle of whiskey, and I asked her to have a drink of that after she had shown me the revolver; and I had one drink there, and she had two drinks of whiskey.

And we got a talking about different things. All of a sudden, she says, she takes up this revolver again, and puts it to my face, and says, "Give me your money." She had it right to my face, right against my face.

So I told her, I says, "Girl, you know I haven't got much money, and I have got to get back to Boston."

She had seen my pocketbook, when I took it out in the saloon, to pay for the drinks, and she saw what money I had.

And so I gave her seven dollars. And then she said "Give me something to get a drink with."

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I went into my pocket, and I took out twenty cents, change.

"Now", she says, "you put on your things".

I put on my coat and my hat and my necktie and collar, and, in the meantime, she was holding the revolver at my face all the time, and say, if I made a complaint against her, she would shoot me dead.

Then, after that, she put on -- she had her waist off at the time, and she put on her waist and coat and hat, and still kept near the revolver, and kept me over in the corner while she got dressed.

And she said, "Now go on. I will buy you a drink".

And she let me get out of the door first, and came right after me, and held the revolver pointed at me all the way down two flights of stairs.

And there is two entrances, and inside and outside entrance, and, when we got out on the street, she kept on cursing, and said what she would do, if I made a complaint against her.

And so she started to go back again into the saloon at 109, and, as she went in, I shut the door behind her, and I went right up to Twenty-third Street, before I found an officer.

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Q Then you found an officer? A Yes sir.

Q Then what did you do?

THE COURT: You made some complaint to the officer.

Q And what did you do then? A Then the officer and myself went back to the place.

In the meantime, he got another officer, and we went back to the side door of 109 Eighth Avenue.

The side door was unlocked, and he goes through the side door to the hall door, and the hall door was locked, and he knocked, and knocked, and told them there was a woman in there he wanted to get.

They refused to open the door for about fifteen minutes, before they would let him in, and he told me to stand there, while he was trying to get in. But I was really scared, at the time, and told him I would rather stand outside.

MR. MEARA: That is objected to, and I move to strike it out.

THE COURT: Motion granted. Strike it out.

BY MR. LORD:

Q Well, you stood outside? A Yes; while he was getting her out.

Q And how long did you wait there? A Oh, I should

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judge about eighteen minutes, near.

Q And then did you go inside, or did he come out, with the woman? A He came out, with the woman.

Q This defendant? A Yes sir.

Q And did she say anything, as she came out? A Well, she was making all kind of funny remarks. I didn't try to hear what she said.

MR. MEARA: I object to the word funny, and move to strike out the word funny.

THE COURT: Motion granted.

BY MR. LORD:

Q Well do you remember anything that she said, at the time the officer brought her out, or on the way to the station house? A Well, all that she was doing was laughing and jollyng. I didn't pay any attention to what she was saying, at all.

Q Now, when you were up there in 216 West 15th Street, there was a bed in that room? A Two beds.

Q Two beds? A Yes sir.

Q And you say you removed your coat and collar?

A Yes sir.

Q And the woman removed her waist? A Yes sir.

Q You mean her ordinary outside garment? A Yes sir.

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Q And did she remove that while you were taking off your coat and collar? A Yes sir.

Q And before she pointed the revolver at you? A She pointed the revolver -- she showed me the revolver when we first went into the room, but she removed her waist before she ever pointed the revolver at me.

Q Now why did you give her the seven dollars? A For the simple reason that she had the revolver right against my face, and she said, "if you don't give up the money, I'll shoot you".

Q And you were frightened? A Yes sir; I was scared.

Q You were afraid she would shoot you? A Yes sir.

CROSS EXAMINATION BY MR. MEARA:

Q What is your full name, Mr. Waterbury? A William M. Waterbury.

Q Where do you live? A Boston, Massachusetts.

Q And are you a married man or a single man? A Married.

Q And what constitutes your family? A Just a wife.

Q And how long have you been married? A Well, about six months.

Q Is Waterbury your right name? A Yes sir.

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Q And what is your address in Boston? A 16 Templeton Street.

Q And how long have you lived there? A I have lived there for two months, now, in 16.

Q And where did you live before that? A On Columbus Avenue, I boarded before.

Q Columbus Avenue, New York? A No sir; Boston.

Q And what did I understand you to say your business was? A Soliciting advertising, mostly.

Q And for whom do you work? A Well, I was publishing a time table, previous to this, myself, the trolley time table, of the different trolley roads in Boston, which I was running for myself.

Q I mean, who were you working for, just prior to your coming to New York? A Baker & Guile, advertising agency.

Q And where is their place of business? A 226 Devonshire Street.

Q Boston, Mass.? A Yes sir.

Q And how long did you work for them? A About six months.

Q And, prior to that, where did you work? A On the

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Boston Traveller.

Q And what is that? An advertising agency? A No sir; a newspaper, an evening newspaper in Boston; a newspaper.

Q And did you work on advertising there? A No sir; on circulation there.

Q Well, how long did you work there? A Well, pretty close to six months; somewhere in that neighborhood.

Q Now when did you come to New York? A I left Boston on Wednesday night, and got to New York here about half past eight, Thursday morning.

Q What time did you leave Boston, Wednesday night?  
A I left it by the six o'clock train. I came by the Fall River way.

Q And what time did you get into New York? A About half past eight in the morning.

Q You came by boat? A Yes sir.

Q And anyone with you? A No sir.

Q Your wife didn't come with you? A No sir.

Q You were all alone? A Yes sir.

Q Now when was that? March 2nd, wasn't it? A I don't know exactly. It was Thursday, when I got here to New York. I don't know whether it was March 2nd.

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Q Now what day was it that you had this girl arrested? A Well I met her -- it would be Friday, I would call it, but it was Saturday morning. It was after one o'clock.

Q Then you had been in New York from Thursday morning -- A Until Friday night.

Q A little over a day and a half? A Yes sir.

Q Where were you stopping in New York? A Stopping up on 13th Street. I can't tell you the number. It is right near the Presbyterian Church, about four or five houses from it.

Q What is it? A hotel? A No; it is just a dwelling house. I got a room there.

Q How did you come to get a room on 13th Street?

A Well, I didn't know any place to go and I just started out to look for a furnished room, and I went ther to save the expense of a hotel room.

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Q And you expected to stay in New York sometime?

A I expected to be here, anyway, until Saturday night.

Q In other words, you were going to spend two nights here? A Yes, sir.

Q And you went to 13th street and got a room in a furnished room house? A I did, sir.

Q Did you come to New York on business or pleasure?

A Business.

Q What time did you leave your room on 13th street, on Friday night? A I left there about one o'clock in the afternoon.

Q You left there about one o'clock in the afternoon?

A Yes, sir.

Q And where were you all the afternoon? A Well, from about five o'clock-- in the first place, I went down and had my dinner.

Q You will have to talk a little louder? A After I left the house, then I walked around till about five o'clock, then I went up in Slosson's billiard room and stayed there until about half past twelve.

Q Now, had you been drinking that afternoon? A No, sir; I didn't drink that afternoon at all.

Q Didn't you have anything to drink with your dinner?

A No, sir.

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Q None at all? A No, sir.

Q What time did you have dinner, that night? A Well, I didn't eat only after I left the house there, as I say, after one o'clock. I went and had my dinner and breakfast, or dinner and supper, altogether.

Q Do you mean that you had your breakfast and your lunch all at one time, at one o'clock? A Yes, sir.

Q Is that correct? A Yes, sir. And then, after I left Slosson's---

Q Now, just wait a minute. After you had this combined meal, at one o'clock, what did you do? Where did you go?

A I walked up and down the street, and took a ride up the subway, and I don't remember what street it was I got off, I didn't pay any attention to that. I went to this Broadway then and it was after five o'clock then or half past, and then I went up to Slosson's billiard room.

Q In other words, you were just walking around town, looking the town over? A Yes, sir; at that time.

Q And you inspected the subway? A Yes, sir; looked at it.

Q And ~~you~~ I suppose you went into a few of our hotels? A No, sir; I did not.

Q It didn't occur to you that you were thirsty during the afternoon; did it?

A No, sir; I don't care much about liquor.

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Q Well, what time did you get to Slosson's? A Maybe five, a little after five; about half past five.

Q And do I understand you to say that you stayed at Slosson's from half past five to half past twelve?

A Yes, sir; I did.

Q You didn't go out and have anything to eat?

A No, sir.

Q Did you have anything to drink? A I had-- the man I was playing billiards with bought one glass of beer at the time we was playing billiards.

Q How many games of billiards did you have? A Well, we didn't keep track of the games.

Q Well, you had quite a few; didn't you?

A Oh, we played over four hours.

Q You played over four hours? A Yes, sir.

Q Didn't it occur to you that you were hungry?

A Well, it did, after I got out of there, and I had something to eat.

Q It wasn't because of the want of money that you didn't have anything to eat, in the meantime? A No, sir.

Q It was because you were so interested in your game of billiards? A Yes, sir.

Q And all this time from half past five to half past twelve you had but one glass of beer? A But one glass of beer.

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Q Who was the man that you were playing billiards with? A friend? A He was a stranger to me.

Q A stranger? A Yes, sir. I simply asked him to play me a game.

Q You simply asked him to play you a game? A Yes, sir.

Q And did you make any little bets on the side, on the game? A No, sir.

Q None at all? A No; none at all.

Q And this game of billiards began at what time?  
A Why, I think it was somewhere along about seven o'clock we started to play billiards.

Q You think it was somewhere along about seven o'clock that you started to play billiards? A Yes, sir.

Q And what time did the game--- was the game finished? A Well, about eleven.

Q In other words, you played billiards for about three hours? A Four hours.

Q Four hours? A Yes, sir.

Q And what did you do from eleven to half past twelve?  
A And then we bought a cigar and we sat down and smoked, and he was telling me his affairs and so on; and then I went to the pool table and watched them play pool, until half past twelve.

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Q Where did you go? A In the back part there is a pool table, and I sat down and watched them play pool until half past twelve.

Q Now, how do you come to place the time? Have you got a watch with you? A No, sir; I never carry a watch.

Q Well, how do you place the time? How do you know it was just half past twelve when you left Slosson's billiard room? A Because I was thinking of getting up to the house, and this man was saying that it was about his bedtime, and he looked at the clock at 12; and that was the time he left.

Q And where was the clock? A In the back of the billiard room.

Q Where were you sitting with reference to the clock? A On the right hand side of the clock. It was just about like that (illustrating); I was sitting here and the clock was there, about like that (illustrating), just the same as that clock there (indicating), only I was sitting on the side of it, instead of facing it, as I am here. And one naturally gazes at a clock, now and then, if they haven't a watch to keep track of time.

Q Well, it couldn't have been half past one instead of half past twelve, could it? A No, sir.

Q You are positive it was half past twelve? A Yes,

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sir.

Q And you got up and went into the street?

A Yes, sir.

Q All right. Where is Slosson's Billiard Parlor?

A Well, I think it is just; I can't just exactly tell you about the streets here, but it is just off 23rd street.

Q Right near 23rd street and Broadway, isn't it?

A Yes. And upstairs.

Q And, after you left Slosson's billiard parlor, where did you go? A I walked up 23rd street to the Child's restaurant, and went in there and had a lunch.

Q And that is on the other side of 6th avenue, of the 6th avenue elevated? A Well, I don't know just where it is located. It is about that way from Broadway, up 23rd street, that way (illustrating).

Q Well, you went west on 23rd street, as I understand it, until you reached Child's restaurant?

A Yes, sir.

Q Do you remember walking under the 6th avenue elevated line? A I think I past it, but I wouldn't say positively, because I don't know exactly where Child's restaurant is located. I just went along until I came to the restaurant, and went in.

Q Do you remember what side of the street the restau-

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ant is on? A The left hand side.

Q Are you are going that way (illustrating)?

A Yes, sir. It is up on 23rd street.

Q On the south side of the street? A Yes, sir. I was going toward 8th avenue, and it was on my left hand side.

Q Now, did you go into Child's restaurant?

A Yes, sir.

Q How long were you in there? A Well, I was in there for over half an hour. I think it was about ten minutes past one or five minutes past one, when I came out of there.

Q And you are sure about the time? A Yes, sir.

Q Positive about that? A Yes, sir.

Q And, when you came out on the street, where did you go? A I started up 23rd street. I was going home then, up on 13th street. I was going to walk up to 8th avenue, and up 8th avenue to my home.

Q After you left Child's restaurant, you started towards 8th avenue, to go home? A Yes, sir.

Q And where did you first meet the defendant? A Well, I had gone about two blocks from Child's restaurant, I should judge, when I met her. She was on the same side.

Q On the north side of the street or south side?

A Well, on the same side of the street that I was, going

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towards 8th avenue.

Q Well, you were on the south side of the street?

A Well, I don't know about the north or the south.

Q Now, up to this time, if I understand you rightly, you had been only drinking beer?

A Yes, sir.

Q Only one drink of beer? A Yes, sir.

Q And that you had in Slosson's Billiard Parlor on Broadway? A Yes, sir.

Q When did you first see this defendant? A Why, I saw about a block and a half or two blocks, from Childs' restaurant, on 23rd street; that is the first time I saw her.

Q And where did you meet her? A That is where I met her. She was walking in the same direction.

Q Did you overtake her or she you? A I overtook her. I was walking pretty brisk. I naturally walk fast.

Q Was she walking on the inside of the street or the outside? A Well, she was on the inside of the street.

Q And you went on the outside of her?

A Yes, sir.

Q Well, what happened then? A She said, "Hello, darling. Won't you buy me a glass of beer?" And I said, "Yes."

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Q "Won't you buy me a glass of beer?" A She didn't say a glass of beer. I will take that back. "Won't you buy me a drink?" And I said, "Yes."

Q And then what happened? A We went down 8th avenue, and went into the side door of the saloon.

Q Now, what conversation did you have with the defendant from the time you met her, until you went into the first saloon on 8th avenue? A Well, she says, "I kind of thought you was a detective", and I said "I am not a detective", and she says "Don't you want to have a good time?"

Q Yes. A And I said "I don't know," and she said "Well, I only charge \$30. I live up on 30th street." And I kind of smiled, and nothing more was said about that, and we went to the saloon, and we had two drinks of whiskey.

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Q Well the price was perfectly satisfactory to you; wasn't it? A Well no, not that price.

Q Well, what prompted you in going withn the woman?  
A I simply was carrying out what I told her I would do. She asked me to buy her a drink, and I told her I would, and I bought her the drink.

Q And then what happened in the saloon? A Then we came right out of that saloon, after we had the drinks.

Q Now how many drinks did you have in that saloon?  
A One.

Q What was it? Beer or whiskey or wine? A Whiskey.

Q You had a glass of whiskey, and she had a glass?  
A Yes sir.

Q And she suggested that you continue down the street, to another saloon? A She did, sir.

Q And how far down did you walk on Eighth Avenue?  
A Pretty near to 15th Street, to 109 Eighth Avenue.

Q Did she give any reason for going down there?  
A No sir; she didn't give me any reason for going down there.

Q And, when you got down to 15th Street, where did you go? Did you go into the saloon? A It isn't quite to 15th Street. It is a little above it.

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Q It is in the street; isn't it? A It is on Eighth Avenue.

Q Between 15th and 16th Street? A No; between 15th and 14th.

Q And you went right into the saloon? A Yes sir.

Q Into the side door? A Yes sir.

Q And, when you got in there, why, was there anybody in there? A Yes sir.

Q There was a number of people in there; weren't there? A Well, I should judge, about five or six.

Q People standing in the bar, drinking? A No.

Q In the back room, were they drinking? A Yes sir; sitting at the tables there.

Q And what happened then? A Well, a man comes out, a bartender, supposed to be the bartender --

Q Nevermind what he was supposed to be. I just asked you what happened? A He came out there, and she says, "Are you the proprietor?" this woman said to him, and he said, "Yes, I am the proprietor," and she said, "No red-headed son of a bitch can serve me with drinks, and, if you are the proprietor, we go right out of this place.

And where did you get that scare on your face?

A d he said, "Well, I'll send the proprietor out here."

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and he served us with the drinks.

Q And, in consequence of that service by Jackson, you made a complaint of violation of the Liquor Tax Law against Jackson? A I didn't make the complaint.

Q Isn't your name signed to the papers? A No sir. Mr. Adams' name is signed to the paper.

Q Well, you were a witness in that case against Jackson; weren't you? A Yes sir.

Q And I believe Jackson was acquitted, on your complaint? A Yes; I believe he was.

Q And five other men were arrested in that place, on your complaint? A Not on my complaint.

Q But you were a witness? A I don't believe I was. I never heard that I was a witness on any five men or any five men complaint.

Q Or on a four men case? A Well all that I am complainant in is in this case, but I presume that I am a witness in this other case, because Mr. Adams told me I was. In the first place, I did sign a complaint in regard to Jackson, and Magistrate Pool said, "No. Adams, you make the complaint, and have him sign an affidavit as a witness".

BY THE COURT:

Q Adams was the police officer? A Yes sir.

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BY MR. MEARA:

Q Now, who served the drinks? A Well, the proprietor served the drinks first.

Q Now, just wait a moment. You were down in the Court of Special Sessions, one day last week; weren't you?

A In Part I.

Q Yes. Downstairs. Last Thursday? A Well I think it was last Thursday.

Q And the case was disposed of in the Court of Special sessions, Jackson being acquitted; is that correct?

A Yes; I think so.

Q Now did Jackson serve you with drinks? A He served the first drinks to us.

Q What did he serve? A Two whiskies.

Q Two whiskies? A Yes sir.

Q That is, one for you and ~~for~~ one for the defendant?

A Yes sir.

Q And what other drinks were served there? A Well, we had some more whiskey, and then a sarsaparilla, and then there was a bottle --

Q Now, just wait one minute, Mr. Waterbury.

BY THE COURT:

Q Finish your answer. And beside what?

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A Well, there was something that was ordered. I don't know the name of it. Some kind of a drink. It only costs a quarter. I don't know what it was.

BY MR. MEARA:

Q It might have been Bass Ale? A I don't know what it was.

Q Did you pay for it? A No sir; I didn't pay for it at all.

Q Now, before this unknown liquor was served, how many whiskies had you? A We had had just the one whiskey apiece, then.

Q Yes? A And then I bought a cigar for the proprietor and a cigar for the bartender; and then, afterwards, the bartender waited on us.

Q Yes. And did you order some drinks from the bartender? A I had another whiskey.

Q You had a whiskey? A Yes sir; two whiskies while I was there.

Q In other words, you had but two whiskies in that saloon? A Yes sir.

Q And one whiskey in the saloon that you stopped at, on the way down? A Yes sir.

Q Is that all the liquor you bought in that house?

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A That's not all the liquor I bought. I bought a bottle of whiskey, which I took up to the room.

Q What kind of a bottle? A pint or quart? A I don't know. It was a quarter. I paid five cents for it.

Q A half pint? A I presume so.

Q Now isn't it a fact, Mr. Waterbury -- are you sure whether Mr. Jackson, the proprietor served any drinks there, that night? A I said he served the first drink.

Q Are you sure about that? A Yes sir.

Q Now did you have any conversation with the defendant while you were in the rear of that saloon, that night, in regard to a good time, or anything like that? A Well, we had a little talk.

Q Well just let us have that over again, just the same? A In the first place, I said, "Why, I don't do any such thing as that. I'm married." "Well", she says, --

Q You said you didn't do anything like that? A Yes sir.

Q Well I'm sorry, but you will have to talk out loud, because the jurors down here can't hear you? A And then she said, "Why, I wouldn't have anything to do with a married man".

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Q Did she say that she was married herself? A Yes sir; she said that she was married.

Q And, along with that, she said she wouldn't have anything to do with a married man? A Yes sir. One time, she said it.

Q And she didn't say that her husband was there, working in that saloon; did she? A No sir; not until after we got out of the place.

Q Well, go on and tell us the conversation? A Then, at last, she told me about this place, about this friend of hers that had these rooms.

Q She didn't say who the friend was? A No sir; she didn't tell me who it was.

Q Are you sure that she didn't say it was her husband? A No sir; she didn't say it was her husband, not at all. And she said that the room would cost me a dollar, and her price would be two dollars.

Q That would mean three dollars? A Yes sir. And so I says, "All right," and I went up to the room with her.

Q All right? A And, as I said before, she then showed me this revolver and asked me --

Q Now, just wait a moment. So that when you went to the saloon -- went out of the saloon -- where did you go?

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A Went down to 15th Street, and then we went to 216 West 15th.

Q And who went up the steps first? A Well she gave me her key first, and I opened the door.

Q Yes? A And she let me go up the stairs first, and she said, "Now, you keep on going, until you get up two flights of stairs".

Q And then you went upstairs? A Yes sir.

Q And went into this room? A Yes sir.

Q And was the gas lit? A No sir. She opened the door with the key, and lit the gas.

Q Now what was the first thing she did, when she entered the room? A The very first thing she did was to take off her coat and hat, and I took off my coat and my hat; and then she got over -- I was standing over near the bureau, which was right near the window, and she comes over to the bureau, and takes the revolver out of the top bureau drawer, and she takes it out, and says, "Do you see it is loaded?" And I said, "Yes".

Q Where did she put her hat and coat? A Well I won't say positively. There was a couch in the room, and she either put it on the couch, or the trunk.

Q And where did you put your hat and coat? A On the couch.

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Q And then you came back to the bureau?

A Yes, sir.

Q And then after she came back from putting her hat and coat on the couch, she deliberately goes up to this bureau-- A Yes, sir.

Q Opens the drawer? A Yes, sir.

Q And takes this gun? A Yes, sir.

Q And says, "Do you see that?" A Yes, sir.

Q Is that correct? A "Do you see this revolver is loaded?" And I said, "Yes."

And she, also, showed me a picture of this bartender Roeder, over in that saloon, from that drawer.

Q And did she say at that time why she had the gun there, and what she was going to do with it?

A No, sir. I thought it was all a joke, merely as a matter of fun, showing the gun and the picture, and I didn't pay any attention to it.

Q And how long did she keep the gun in her hand?

A Just for the time to show that, and showed it to me, and laid it down on the top of the bureau.

Q Where did she put it? A On the top of the bureau.

Q And where did she get it originally? A From the top of the bureau drawer.

Q And she didn't put it back in the drawer?

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A No, sir; on top of the bureau.

Q Now, after she put the gun back on the bureau, did you have any conversation with her? A Yes, sir.

Q What conversation? A We talked quite a little while, two or three minutes.

Q What was that conversation? A Well, she was telling me about this man that was keeping her, mostly in regard to him; about his giving his mother money, etc., and that he had only worked from Saturday, and how much he paid for the room, and things of that kind, that sort of thing.

Q And did she say that she lived with this man in the room? A Yes, sir.

Q And did she tell you that this man was the bartender in the saloon? A She told me that as soon as she got out of the saloon, about his being the bartender there.

Q So that, after you got out on the street, she said that the man that was serving you was her husband?

A No, sir; that he had been living with her.

Q Now, you had a bottle of whiskey in your pocket, all the time? A Yes; I did.

Q And did you open that bottle of whiskey? A I did, yes, up there, right while we were talking.

Q And had a drink out of the bottle? A Yes, sir.

Q A good big drink? A No, sir; very small, because I

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don't drink, anyway.

Q You are not a drinking man? A No, sir; I am not.

Q I see. And did the defendant have a drink?

A She had two drinks of whiskey out of the bottle.

Q And you had only one? A I had only one, sir.

Q Now, did you take off your clothes? A I took off my coat and my collar and my necktie.

Q And did the defendant disrobe? A She took off her waist and took off her hat, and took off her jacket.

Q Did she leave her skirt on? A Yes, sir.

Q And what conversation did you have then? A Well, as I said, it was just along general lines, about this fellow, and about his giving money---

Q Did you give her any money? A I didn't give her any money that time, no.

Q When did you give her the money? A When she went and got the revolver, and put it to my face, and told me to give her every cent I had. It was after we had the drinks that she picked up the revolver, the second time, and put it to my face and demanded the money.

Q Now, when she began to take off her waist, she asked you for the three dollars, the dollar for the room and the two dollars for herself; didn't she? A No, sir; she did

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not.

Q She didn't ask you for a cent? A No, sir; not at all, then.

Q But she did partly disrobe? A Yes, sir; she took off her waist and hat and coat.

Q Now, did you sit on her lap, or did she sit on your lap? A She sat on my lap, but just a minute.

Q She sat on your lap for just a minute?

A Yes, sir.

Q That is before she went over and got the gun, the second time? A Yes, sir; before she got the gun the second time.

Q And did you expose your person?

A I did not, sir.

Q Not while you were in there? A I didn't have anything off, at all, with the exception of my coat and my hat and my collar and necktie, as I say.

Q Now, how long did she stay on your lap? A About half a minute, I should judge.

Q Just half a minute? A About that.

Q And what were you doing during that half minute?

A Well, she was telling me mostly about her own affairs. She said that this-- at that time when she was sitting on

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my lap, she was telling me about this bartender; that she was mad with him, that he had thrown her over, that he had said to her, "If you go out with that man, I will have nothing more to do with you", and she was telling me about his financial affairs, mostly, at that time.

Q She didn't ask you to take up your residence with her permanently; did she? A No, sir; she did not.

Q She sat on your lap for about half a minute?  
A Yes, sir; about that.

Q And, during that time there was only a general conversation? A Yes, sir.

Q And you didn't ask her if she was going to give you a good time, and she didn't ask you if you came up there for a good time?

A Well, it was all understood before we went up there, the purpose for which I was going up there.

Q No money passed, though? A No money had passed then; no.

Q But she suggested that you should pay her?  
A No, sir; she did not suggest then that I should pay her anything, at all; but---

Q Never mind that?

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THE COURT: Finish your answer.

A (Answer continued) But, after we had the drinks, and I started to get off my clothes, for the purpose of the intercourse, is when she went and got the revolver, and put it to my face and demanded all my money.

BY MR. MEARA:

Q So that you did take off some of your clothes?

A All that I had off, in the first instance, was my hat and coat and necktie and collar, and I was unbuttoning my vest then, when she put the pistol to my face, and demanded all my money. As far as exposing my person I had no opportunity.

Q Isn't it a fact, Mr. Waterbury, that, on entering that room, you handed this woman three dollars? A No, sir; it is not the fact.

Q And she put this three dollars in her trunk? A No, sir; she did not.

Q It is not a fact? A No, sir; it is not a fact.

Q Is it not a fact that, on this woman examining your person, she found you suffering from gonorrhoea, and refused to have connection with you?

A It isn't any such thing, because she didn't have any opportunity to do so, and I didn't have an opportunity myself.

Q And is it not a fact that, owing to her refusal to

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have connection with you that you wanted you three dollars, and she threw you out? A No, sir; it wasn't so, sir. I never said a truer word in my life than I am saying now.

Q Are you suffering from gonorrhoea? A No, sir; I am not.

Q And were you suffering on that night, from gonorrhoea? A No, sir; and never have.

Q And never have? A No, sir.

Q Now, was this revolver loaded? A It was, sir.

Q It was? A Yes, sir.

Q Did you examine it very minutely? A She put it up, like that (illustrating) as I said, when we went first into the room, and she said, "You see that is loaded?" And I saw, at that time, that it was loaded. I never looked at it when it was close to my face. I was too frightened.

Q And, when she put the pistol to you, you took out all you had, and gave it to her? A No, sir; all I had in my pocketbook.

Q And how much was that? A Seven dollars in one dollar bills.

Q And what did she say then? A And she says then, "Give me twenty cents, to buy a drink", and I gave it to her, and she said, "Now, you go on out with me, and I will

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buy a drink for you", and I gave in to everything that she said there, to get out of the room. She knows I cried up there.

Q How old are you? A 23.

Q And after you gave her this \$7.20, where did she put the revolver? A She put it in her sack coat pocket, when she got it on, the sack coat.

Q And, when she was putting on her clothes, where did she keep it? A She changed from hand to hand (illustrating), and when I started to make a move towards the door, she came up to my face, at least 25 times, to keep me in the room.

Q And, after she put on her clothes, what happened? A She said, "You go ahead, now," and I went down ahead of her; and she said "If you make a complaint against me, I will shoot you as dead as a door nail."

Q And where did she go then? A She started up 15th street toward 8th avenue, and she went into the saloon, the side door of the saloon we had been in before, and I shut the door behind her and went up 8th avenue to 23rd street, and found an officer, and had her arrested.

Q Now, when you got down to Jefferson Market, on the 4th of March, you wanted to withdraw the complaint; didn't you?

A No, sir; not at all. But I told Captain Daly, if the case

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was going to take so long, that I would have to get home. I told him my circumstances, that I had grocery bills and rent and everything to pay, and he said that it wouldn't take over Monday to get through with it.

Q And was it at Captain Daly's suggestion that you were sent to the House of Detention? A I don't think it was.

Q It wasn't? A I don't think so.

Q Now, when you reached New York after landing from the Fall River Line, what did you do? A Well, in the first place, I walked up the street, up Broadway, and I walked up Tenth---

Q What did you do, the first day? A Well, now, I got here in the morning, and I set out to find a room.

Q And how long did it take you to find a room? A Well, I guess it must have been ten o'clock probably.

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

Q And what did you do for the rest of the day?

A As soon as I found the room I went down to attend to my business that I had here.

Q What was the nature of your business? A To establish a branch of a New York concern in Boston.

Q And when did you get through with your business here? A About half past one that day.

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Q In other words, you had business that engaged you from ten to one?

A Yes, sir.

Q And that concluded your business here in New York?

A Yes, sir; that concluded the business end of it; all that I had come down for.

Q Now, where did you spend that night?

A I spent that night at this house where I roomed.

Q What time did you go to bed?

A Well, I guess it was about 12 o'clock, I should judge.

Q Where were you, that night?

A Well, I went to the theatre, that evening.

Q You went to the theatre?

A Yes, sir.

Q What show did you see?

Q It is a theatre down here on Fourteenth street.  
I think it is the Dewey Theatre.

Q And after the show where did you go? A I walked up the street-- and I guess it must have been 11 o'clock, when it was out-- and, of course it is quite a long walk up to where I live. It is next to the Presbyterian Church, and I had a little lunch before I went into the house.

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Q And you didn't meet any fair ladies on the way over? A No sir.

Q Or buy any drinks for anybody? A No sir.

Q And nobody accosted you on the way home? A No; I went right home.

Q And what time did you get up, next morning? A I didn't get up until about one o'clock -- it was about one o'clock when I left the house, next day.

Q In other words, you got home about twelve o'clock? A Yes sir; and I slept and stayed in the room until about one o'clock.

Q In other words, you stayed in the house thirteen hours? A I presume so.

Q And your only purpose in staying in New York, the second day, was to see the town? A Well, to visit around, that's all. I've got some friends here.

Q And you stayed in the house, that day, until one o'clock? A Yes sir.

Q And then you started out to see the town? A I went down and had my dinner and breakfast together, whatever you call it.

Q Now, how much money did you have when you struck New York? A When I came to New York, you mean?

Q Yes? A I had over twenty five dollars.

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Q What different things? A Going to the theatre, and lunches, etc, and car fares, such as anyone naturally spends. I haven't an itemized account of my expenditures,

because I have no one to account to for it.

MR. LORD: Well, isn't this rather in the nature of supplementary proceedings, your Honor?

MR. MEARA: Well, the District Attorney will kindly not interfere, -- I will show that he was intoxicated for two days, spending twenty-five dollars for liquor, right here in New York.

THE WITNESS: No sir; I didn't do anything of the kind.

BY MR. MEARA:

Q Well, what did you do with the money? A Well, I didn't keep an itemized account of the money, because it was my own money, and I didn't have to account to anyone for the money.

Q Did you have any drinks, the first day you were in New York? A No sir; because I don't care for liquor, and I hardly take a drink a month.

Q And the only way you can account for the expenditure of the money was by buying lunches? A Yes sir; and car fares; and for clothes, and room rent.

Q And you had eleven dollars and forty cents left?

A Yes sir.

Q Making a total of sixteen dollars and forty that

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you can account for, and the rest you can't account for?

A I can account for it. As I have said, not an accurate account of it, because I didn't keep one.

Q How long had you lived in Boston? A About a year and a half.

Q And before that where did you live? A In Ballston Spa, New York.

Q Where is that? A In New York State, near Saratoga.

Q Have you ever been convicted of crime? A No sir; I never have.

MR. LORD: The People rest.

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## THE DEFENSE.

I R E N E C U R T I S, the defendant, being duly sworn,  
testified as follows,

DIRECT EXAMINATION BY MR. MEARA:

Q What is your full name? A Irene Curtis.

Q Where do you live, Miss Curtis? A I live in New  
York.

Q Where? A Here in New York.

Q You will have to talk louder? A In New York.

Q Well, what address? A Well, I was stopping at  
216 West 15th Street, for the last two weeks, before I was  
arrested.

Q And who were you living with, on 15th Street?  
A I can't tell you the lady's name who keeps the house.

Q Well were you living with any man, on 15th Street?  
A With Mr. George Roever; yes.

Q And how long had you been living there? A Two  
weeks.

Q Two weeks? A Yes sir; lacking one day.

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Q Now, you remember the 4th day of March, 1905, don't you? A Yes sir.

Q What time did you leave your house, that night?

A I left there about 12 o'clock, or a little before. We have no clock in our room, and I have no watch, and so I couldn't tell you exactly.

Q And where did you go, when you left there? A I went up 15th Street to Sixth Avenue, and from there I walked over, looking for a little stand, to get some lemons.

I had a cold, and I wanted to make a hot lemonade, before I went to bed.

And I walked as far as 23rd Street, because it is quite dark in those side streets, and I thought it would be brighter for me to go through 23rd Street to Eighth Ave.

And a man came up to me, in 23rd Street, I know not who, and he said, "Where are you going, little girl?" and I said, "Oh, nevermind where I am going. I am going home, pretty soon."

Q Well who was it? A Well I don't know. And he said, "I hope I haven't intruded." I had intended to stop at the drug store, and then I walked on past the drug store, and I said to myself, "Well, if I am going to be molested all the time, I will hurry on to where my friend

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is."

And then I had gone but a few steps when this man came up to me, and I'm not sure, but I think he said to me, "Hello, darling". I think that's what he said, but I am not positive as to what he said, darling, or dear, or what.

And I said, "Who are you calling darling?" He said, "Ah, now, don't get mad. I am going your way, and I'll treat you to a drink."

And I said, "Well I can get all the drinks I want, because my husband is a bartender, and I am going down to where he is, so as to be there when he closes up."

And he said, "Well, you have a drink with me, won't you?" And I said, "No, I'm very much obliged, because I can get all the drinks that I want, without your buying them for me."

Q Who did you mean? A From Mr. Roeder. His brother used to own that place, at 109 Eighth Avenue.

Q And did this man Waterbury accompany you? A Yes; he kept on walking with me.

And I said, "I wish you wouldn't walk with me. I'm quite well known along Eighth Avenue, and I don't want you to walk along with me. I don't know you."

And he said, "Well, come on in and have a drink",

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and I said, "Well, I don't want any", and he said, "Oh, well, come on in. I'm going to have one."

And I said, "Well, I've got a little cold, and I guess a drink won't hurt me."

And we went in at 20th Street and Eighth Avenue, and we had a drink, and we went into one door, and I thought I could slip out and leave him there and we sat down and had the drink, and I started out of the other door, and he after me.

Q Well what did you drink in there? A We each had a whiskey, and he paid twenty five cents for the two whiskies.

Q And then where did you go? A And then I crossed over Eighth Avenue. I was on the right hand side, going down the street.

Q Did he keep on along with you? A Yes. And I said, "Now I'm going down where my husband works, and I don't want you to come in there with me." And he said, "Your husband?" And I said, "Yes, my husband."

And he said, "Ah, get out. He's probably some fellow of yours. I'll be just as good a friend to you as he is. I want to buy you a drink. Don't go in there. Come on down to my room, in 13th Street. I've got money, and I'll make it all right with you."

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And I said, "No, I should think not. I'm not going with you. I'm going in where my friend is."

And he kept on insisting on my going to his room, on 13th Street.

And, when I got to the door of the saloon, I said, "You had better not come in here," and he said, "Well I can go in there and buy a drink; can't I?"x And I said, "Well, come on in. I don't care."

And Mr. George Roeder served the drink. He had on his white coat and apron, and it wasn't one o'clock, then.

Q What time was it? A It wasn't later than half past twelve. The bar was all open bright, and he had his white apron and coat on.

Q Were men standing up against the bar? A No sir. I wasn't of course in the bar, but I don't think there were any men at the bar. Sometimes , people come in there, and don't drink all the time, they just go inside, and sit down by the table.

Q Well, just tell us all the conversation you had in the saloon? A When he came in, of course, he was a little bit angry with me, naturally, for me coming in there with another man. I know I shouldn't do it.

And he said, "What do you want?" And I said, "Why,

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of course, I'm going to have a drink. What do you suppose I came in here for?"

And he said, "What do you want?" And I said, "I hope you are not the proprietor", and he said "I certainly am. I'm running this place."

And I said, "Well, I don't know whether I will drink with you, or not. I'm not very partial to red heads."

Q Go ahead now? A And so he says, "Well, you want something to drink?" And the fellow said yes. Bring in a drink, whatever she wants.

Q And so we had two whiskies. We drank those, and he says, "Will you have another drink?" And I said "I don't mind."

And he said, "What do you want?" "Why", I said, "I wouldn't mind having a bottle of Guinness' Stout."

So he said, "Bring in two bottles of Guinness's Stout," and he did.

Q And you drank it? A Not just then, we didn't drink it.

So I guess he thought he was going to take the two bottles home with him. I don't know what he intended to do.

We sat there, for a few minutes longer, and I said, "Well, are we going to have another drink?" And he said, "I've got some here in the bottles," and I said, "Well, what

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good does that do me?"

And he said, "Well, we will split a bottle of this."

And so he called the bartender in, and he said, "Bring us two empty glasses," and he brought in the glasses, and I have forgotten whether he opened the bottle at the table or took it out to the bar, and opened it, and we drank the one bottle, and he said, "We had better have another whiskey; hadn't we?" And I said, "I don't care."

Q Well, how many whiskies would that make? A That would make two whiskies each, then.

Q And you had a bottle of this Guinnis's Stout?

A Yes sir.

Q And you had a whiskey up in that place, further up the Avenue? A Yes sir. That would make three altogether, apiece.

And so we had the other whiskey, and so he kept coaxing me, and he said, "that's not your husband. What are you talking about?" And I said, "well, whether it is or not, I've been living with him for the last six months as his wife."

And he said, "He is only a friend of yours, and not a very good one at that, I guess. I'll be a good friend of yours. Come along with me."

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And I said, "I should think not." And I said, "Your eyes look pretty bad, anyhow, and I don't know that I would go with you, anyhow, if I was going around."

And he tried to get me to go, and, finally, he excused himself to go to the toilet; and so I said to myself --

THECOURT: No. Do not tell us that, what you said to yourself, but what you did.

A Well I got up, and I went to go out, and I called the bartender, and I said, "let me out. I'm going over home, " and he let me out of the side door.

And I had no sooner got out than this fellow was right behind me, and he said, "Come on down on 13th Street", and I said "I should say not; I am going home".

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And he said "Come on down on 13th street", and I said, "I should say not; I am going home."

And he kept on walking right along with me, and I said, "Probably George will be watching us, and I don't want you to come with me,, and he will be closing up in a few minutes, and will be right over, and you can't come with me."

Q When was this? What time in the morning?

A A little before one o'clock; I can't tell you exactly the time. And so I walked up to my place.

And then I thought I will walk up a little ways with this man and perhaps I can get rid of him, because I didn't want to wake up the people in the house.

And I walked up very near to the corner of 7th avenue and 15th street, and I talked with him for a few minutes, and I saw that I couldn't get rid of him.

And I went back to the house, and ran up the steps and he after me.

And there is a double set of doors, and there is a storm door, and there is a little place, and then there is another door.

Q A little vestibule? A Yes, sir. And he was in there, and of course, I didn't know what he might do. He was

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a perfect stranger to me, and I naturally unlocked the door, and ran upstairs; and he pushed the door shut behind me and came up after me.

And I unlocked the door of my room, and I said to myself, "I don't want to wake up the people here, and the easiest thing to do is the best, and I will go out again."

And he pulled out the pint bottle of whiskey, and he opened ~~it~~ the top bureau drawer, and I said, "What are you doing in that drawer?" And he said, "I am looking for a glass", and I said "There is no glass here."

And I went over to the mantel and got a little glass that was standing there, and he poured out whiskey and drank it down.

And then he poured out another glass, pretty nearly full, and he said, "Drink this," and I said, "No, I don't want to drink. I don't want to get full. I am near enough to it now."

And he said, "If you don't, I will." And so he drank it. I didn't drink anything up in the room, at all.

And then he set the bottle down there, and I think the bottle was still setting there when we left the room.

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Q Did Waterbury want to have connection with you?

A Yes, sir.

Q Just tell us what conversation you had with him in regard to the good time that he expected? A Well, I was telling him of the time that I expected George home, and he said, "Well, we will take off our clothes; it will only take a minute. Here is your money. I don't want you to do it for nothing."

And I said to him "Are you all right?" And he said, "Why, of course, I am all right."

And I said, "I don't know whether you are, or not. You look kind of funny to me."

And I opened the trunk and put the three dollars into the trunk, and locked the trunk, and---

Q Go ahead and tell us what happened? A And he said "Come on now; it will only take a minute, and I will get out of here before your friend comes."

And I said, "Well, let me see whether you are all right or not."

And he was kind of edging around, and he went through some kind of performance-- I don't just remember what-- and anyway, took it out, and I squeezed it, and he hollered.

And I said, "Why, you dirty pup, you are set up, and you know it, too. Didn't you know it?"

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He said, "Well, I didn't know it, but I guess I am."

And I said, "Well, I wouldn't give a damn. Money wouldn't get me to stay with you. Now, get out damn quick, too, and don't stop until you get out of the house."

And I followed him down to see that he got out, and I went over to my friend's place, and stayed there until the officers came after me.

Q And you did take three dollars? A Yes, sir.

Q And you put him out? A I didn't put him out. What could a woman do, about putting him out? But I would have raised up the whole house, if he hadn't got out.

Q Well, did you have a gun in your room that night?

A No, sir.

Q And have you ever had? A No, sir.

Q Did you take the seven dollars and twenty cents?

A No, sir. I had three dollars from him; that is all I had.

Q And you did take the three dollars from him, under the circumstances that you have related to the jury?

A Yes, sir; I took it under those circumstances.

Q Have you ever been convicted of any crime? A No,

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sir.

Q Never? A No, sir.

CROSS EXAMINATION BY MR. LORD:

Q How old are you? A 26.

Q You say you are 26 years of age? A Yes, sir.

Q And is your name Irene Curtis? A Yes, sir.

Q Did you ever take George Roeder's name, or did you just live with him? A I took his name by living with him.

Q And were you called Mrs. Roeder or Irene Curtis?

A Mrs. Roeder.

Q Is that what you requested your friends to call you? A Yes, sir.

Q And what you called yourself? A Yes, sir.

Q But, when you were arrested, you gave the name of Irene Curtis, didn't you? A Yes.

Q And you gave the name of Irene Curtis in the Police Court? A Yes.

Q And you answered to that name in this Court on two occasions? A Yes, sir.

Q You were in here, the other day? A Yes. But I had no hearing, because my lawyer wasn't here.

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Q When was that? Just the other day, wasn't it?

A That was Friday.

Q And you didn't wear those same clothes, did you?

A No, sir.

Q You were more magnificently gowned, weren't you?

MR. MEARA: Objected to.

THE COURT: Allowed.

MR. MEARA: Exception.

A Well, that is right; that is all right; I had another gown on.

BY MR. LORD:

Q Now, is George Roeder in Court? That is the man you refer to as George Roeder, isn't it (indicating)?

A Yes, sir.

Q He is the bartender at 109 8th avenue? A Yes, sir.

Q Now, you say you lived with him for six months?

A Yes, sir.

Q Now, what is your occupation? How do you make a living? A I am a housekeeper, sir.

Q A housekeeper? A Yes, sir.

Q And you have said that before when you were asked about it; haven't you? A Yes, sir.

Q Haven't you said the same thing, at Jefferson Market,

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regularly? A Not regularly. That was the only time I was ever there.

Q The only time? A Yes, sir.

Q Now, you answered a question, "Have you ever been convicted of crime," by saying, "No, sir." Disorderly conduct, do you call that a crime? A No; I don't know that it is any particular crime.

Q Well, you have been fined a sum of money, haven't you? A No, sir.

Q Never in your life? A No, sir.

Q Under any name? A No, sir.

Q You have been from time to time--- you have solicited on the streets for a living; haven't you?

A No, sir.

Q You never have? A No, sir.

Q Now, were you ever married to anybody besides Roeder? A (No answer).

Q Did you ever live with any one besides Roeder?

A Yes, sir.

Q A number of people? A No, sir.

Q How many? A One.

Q One? A Yes, sir.

Q Now, on this 4th of March, of this year, you were stopping at 216 West 15th street; is that right? A Yes,

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sir.

Q And I believe you said you didn't know the name of the person who ran the place? A I don't remember what she said her name was.

Q You had then been there two weeks? A Two weeks, lacking one day.

Q Now, who got that room for you? Roeder?

A We both went there and got the room.

Q I mean, that was the home of both of you?

A Yes.

Q Were there two beds in that room, as testified to on the stand?

A Yes, sir.

Q You told the jury that, that night, you went out to get some lemons; is that right?

A Yes, sir.

Q What did you want them for? A Because I had a cold; a very, severe cold. My lungs bother me, sometimes. We had hot lemonade, the night before, because we both had colds.

Q And you were going to try it again?

A Yes, sir.

Q And what time did you go out, that night?

A Well, I should judge a little before 12, or half

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past eleven.

Q And intended to go out and get the lemons and hurry right home?

A No, sir; I didn't. I had a habit of going over and waiting until he closed up, and then we would either go out to a lunch, or else go right straight home.

Q And when did he close up? I suppose when the clock strikes one?

A Yes, sir; at one o'clock.

Q Well, of course, when one o'clock comes that means everybody get up out?

A Yes, sir.

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Q And close up? A Yes, sir. He sometimes closes a few minutes before one o'clock. I am not there all the time.

Q Now did you get the lemons? A Yes, sir.

Q Where? A Somewhere on Sixth Avenue.

Q And 216 West 15th Street is between Seventh and Eighth?

A Yes, sir.

Q And you went over to Sixth Avenue to get the lemons, and were then going back to Eighth Avenue? A No, sir. I went up Sixth Avenue, and I was looking for a stand, and I thought I would walk over to 23rd Street, and walk over to Eighth Avenue; and I was going to stop at the drug store, and Seventh Avenue, and get some quinine for my cold, and, as I say, I was interrupted several times.

Q By this first man? A Yes, sir. And he acted like a gentleman, and went on, and didn't bother me, like a loafer.

Q But the second man captured you? A Yes, sir.

Q And you couldn't get away from him, without making a scene? A No, sir; you couldn't. If he had even left me when I started to go up into my house, and passed the door, even then he wouldn't let me alone.

Q And when he asked you to have a drink at 23rd Street, he asked you to have a drink, and you said you didn't want

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any? A Yes, sir.

Q And that your husband was a bartender and you could get all the drinks you wanted? A Yes, sir. And he even undertook to take my arm, and I told him not to dare to take my arm.

Q And he dared to take your arm? A He did not; or I would have knocked him down.

Q I am sure you would. And then you went over to Eighth Avenue, and got a drink? A Yes, sir.

Q And had Waterbury told you that he was a stranger in New York? A He told me that he was from Boston, and that he had a room in 13th Street, but he didn't tell me that he was a stranger.

Q But you were so well known on Eighth Avenue, that you didn't care to walk with a stranger there? A Well, I used to live on 30th Street, and very often I would go down, about eleven or half past eleven, and go into the store where Mr Roeder was tending bar, and wait for him to close up, and we nearly always walked up Eighth Avenue.

Q And that is why you asked him to leave you, and not walk on Eighth Avenue with you? A Yes, sir; because my husband-- I think I have always a right to call him that, because I have lived with him long enough-- and his people

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live on 16th Street, and he is very well known. He was born and brought up in New York, and I didn't want to disgrace him.

Q Now, when you got through at the first saloon, you went over to 109 Eighth Avenue, with your friend? A No; not with my friend.

Q With Waterbury? A Yes, with Waterbury.

Q Well, he isn't your friend, then? A No; I should think not.

Q Well, now, when you got in there, you referred to Mr Roeder, when you said you didn't want any red angels; didn't you? A Well, I was whipping him over his shoulders, certainly.

Q Whipping whom? A This red headed Waterbury.

Q And was that why you made the kick, in 109 Eighth Avenue? A I didn't make the kick. It was more of a joke than anything else.

Q Well, that is where you had your little joke?

A Yes, sir; because they were both red headed.

Q And the coincidence was so funny that you spoke of it? Was that the only reason? A Yes. It struck me as kind of comical.

Q Did you have any other reason for quarreling, or appearing to quarrel with Roeder? A Well, the only reason that I

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had was that he seemed angry, and I knew he would be, if a man came into the place with me.

Q But you didn't want Waterbury to think that you were angry with Roeder, did you? A No, sir; I didn't care what he thought.

Q And, when he went into the water closet, you jumped out, and tried to escape? A Yes, sir; and he followed right after me.

Q And did you speak to Roeder, and say, "I wish, George, you would--" A I asked him to let me out, and he did.

Q Well, did you ask him to defend you, and stop him, as a man should do with his wife? A No, sir; because I thought he wouldn't follow me.

Q Well, why didn't you ask George to protect you? A Well, because I didn't think he would have the nerve to come up to my home, after I had told him not to.

Q Well, after you had turned him down 50 or 60 times, pretty soon you found yourself at the entrance of 216 West 15th Street?

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A Yes sir; with the door unlocked.

Q Oh, you found the door unlocked? A No sir; I unlocked it myself.

Q And what effort did you make to keep him out, when you went in? A What chance would I have to keep him out?

Q What did you do? A Well I told him repeatedly that I expected George over, every minute.

Q And was that the only reason why you didn't want him in? A Well, that was one reason. And the people were respectable where I was stopping; and, also, because it was late at night, and I was just about half sick with a cold.

Q Now, have you got any others? A No sir.

Q Your own character, or your own regard for yourself, wasn't a reason; was it? A Well it had something, a good deal, to do with it.

Q Well, that's one reason. That you didn't want to be as miscellaneous? A Well I'll tell you another reason. If I was going out with anybody, I wouldn't go out with a dirty tramp and bum like he is.

MR. LORD: Now, I move to strike that out.

THE COURT: Motion granted. You must not talk that way on the stand.

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BY MR. LORD:

Q Now, you have had an opportunity all your life, almost, to call people what you liked, but you can't do it here. Well, he went into the house with you? A Yes sir.

Q And he proposed sexual intercourse? A Yes sir.

Q And you said you expected Roeder, every minute?

A Yes sir.

Q And didn't he say that, if you took off your clothes, he could finish up the matter very shortly?

A He didn't ask me to take my clothes off. He said that he could do it with my clothes on, very quickly.

Q And he gave you three dollars? A Yes sir. And I unlocked my trunk, and I put it in my trunk.

Q Well did you find that sum of money about right? Did you think that three dollars was about right? A I didn't say anything about it, because I had no intentions of staying with him; but I thought he was so darned nervy that I would take the three dollars.

Q Well, you were going to skin out of the three dollars, then? A Well, I knew he wasn't all right.

Q Well how did you know that he wasn't all right?

A Well, he had annoyed me more than three dollars worth.

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Q Well, then, you thought it was worth about three dollars? A Yes sir.

Q Calling you darling was worth about a dollar; wasn't it? A Yes sir about that.

MR. MEARA: Objected to.

THE COURT: I think it is fair cross examination.

BY MR. LORD:

Q Now you intended, then, when you took the three dollars, to just keep the three dollars, and turn him out; is that right? A No sir. If he had been right, the chances were that I might have stayed with him.

Q Well but you have just said that you thought he was not all right? A Well I thought I would see him.

Q And where did you get up this knowledge that will enable you to tell whether a man was suffering with gonorrhea? A Well I seen a man with it, once.

Q Well you have had a matrimonial experience, haven't you? A Only one.

Q You have lived with two men? A Yes sir.

Q And it was your misfortune to have had some experience with that disease? A Yes sir.

Q And you knew certain household remedies for dis-

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covering it? A Well, I know, if you pinch it, and they holler, there is nothing the matter with it. I know that.

Q And you applied that test; did you? A Why, I certainly did.

Q And when he exclaimed, why, then, you told him there was nothing doing; is that right? A Yes sir.

Q Well did you offer to give him back the three dollars? A I did not.

Q You did not? A No sir.

Q How long were you in that room, altogether, do you suppose? A Well I should say -- I couldn't say just how long, but I should imagine it might be five minutes or twenty minutes, at the outside.

Q Now, when you went out to get these lemons, you thought it was about 11:30? A Yes sir; between 11:30 and 12.

Q And what time about do you think it was when you came into your flat there, at 216 West 15th Street? A With him, you mean?

Q With Waterbury? A Well, I should think it was about five or ten minutes to one.

Q Well did you and he go out of the house together?  
A Yes sir.

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Q Then where did you go? A I went right straight back to 109, and stayed there.

Q And how long did you stay there? A Why, it must have been two hours before he came back with an officer.

Q And that would make it about three o'clock? A Yes sir.

Q And were you waiting for George? A We were sitting back in there, talking.

Q Talking about what? A Oh, various things.

Q You were not cutting up the seven dollars there; were you? A I told you the three dollars he gave me was home in the trunk.

Q Oh, yes. You left the three in the trunk?

A Yes.

Q And you went over there, and waited, two hours, in a back room for Roeder? A Well, I said we were talking there, during that time.

Q And about what time do you think you were arrested by the police officer? A It must have been nearly three o'clock.

Q Well, as matter of fact, it was about four? A I can't tell exactly.

Q Well, I will hand you that information, for your guidance. It was something like four o'clock.

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MR. MEARA: One moment. I object to that, on the ground that the witness has answered the question.

THE COURT: Allowed.

MR. MEARA: Exception.

BY MR. LORD:

Q You think, then, it was about three o'clock?

A Yes, that's what I think. As I told you before, we have no clock in our room, and I have no watch, and he has none.

Q As a rule, what time does Roeder get home?

A Well it depends upon what he does, after he closes. Sometimes we go and get chop suey, or go into different restaurants, to get something to eat. Sometimes we get home at half past one, or even at four o'clock, some times.

Q Any old time? A Well, it was four o'clock, one morning.

Q And, when you out, did you intend to go and get Roeder

A I intended to get the lemons.

Q No. After you and Waterbury had this unpleasant experience? A Certainly. Because I had my slippers on. I took my shoes off in the room, when I was there with Waterbury.

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Q Well it was something after one o'clock when you left the room? A Yes sir; about half past one.

Q And you and Waterbury walked out together? A Yes sir.

Q And did you intend, then, to go over to 109 Eighth Avenue, and get your husband? A I intended to go over there, and I did. I had only my bedroom slippers on, when the officers came and took me. My feet were all on the ground, and the officer carried me and put me in the patrol wagon, next morning, because it had been snowing.

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Q And you went over to get Roeder, because he closed up at one o'clock? A Well, you know, they have to count their money when they close up, and it takes a little time.

Q Well, don't you know that they have a cash register there? A Well, I know that when his brother used to own the place, they used to take the money out of the cash register.

Q Well, does he count his money, every night? A Well, I can't say about every night, because I am not always there.

Q Who walked up the steps first at 216 West 15th street?

A I did.

Q And you unlocked the door? A Yes, sir.

Q And he came in right after you? A Yes, sir.

Q Though you asked him not to? A Yes, sir.

Q And you said something about not wishing to wake up people in the house, and that you would rather go out than wake up the people? A No, sir; I didn't say that.

Q But you said something about not making a noise up there? A Certainly. I didn't want to make a noise, because I knew the people living there worked during the day, and I didn't want to wake them up.

Q Well, did you and Waterbury make any noise there?

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Did you quarrel about the money?

A No, sir.

Q Did he ask you for the three dollars back?

A No, sir; but I quarreled about it, and called him names, on account of the condition he was in, about chasing women around, and trying to stay with them when he was in that condition.

Q Did you go out quarreling, you and Waterbury?

A No, sir.

Q Did you go out on good terms? A No, sir; not on good terms. We didn't speak to each other.

Q Did you say anything to him about not making a complaint? A No, sir; and I was surprised when I was arrested, when I saw the officer.

Q Haven't you ever seen Officer Adams before? A I can't say that I have. I have seen a great many people.

Q You never pay any attention to policeman and they are not paying much attention to you these times, are they? A I don't know about that; but I am sure none of them ever molested me in any way, shape or form.

Q Are you wearing the same clothes that you wore that night? A No, sir; I am not.

Q Have you got them over there, in the Tombs? A Yes, sir; all excepting my slippers. I haven't got my slippers.

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Q. You haven't? A. No, sir. This dress was sent to me Saturday night, I think.

THE COURT:

We will adjourn, gentlemen of the Jury.

Do not discuss among yourselves any subject connected with the trial of this case or form or express any opinion thereon, until the case is submitted to you. The Court will take an adjournment until tomorrow at half past ten o'clock.

(The trial was then adjourned until Tuesday morning, March 14, 1905, at 10:30).

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TRIAL RESUMED.

New York, March 14, 1905.

MATTHEW T. ADAMS, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. MEARA:

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

Q And attached to what precinct? A 17th precinct.

Q Do you know the defendant, Irene Curtis? A I know of her, yes.

Q And was there a complaint made to the Captain of the 17th precinct? A To the sergeant of the 17th precinct.

Q And what was the nature of the complaint, if you know, of your own knowledge?

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THE COURT: No; that will not do.

BY MR. MEARA:

Q Did you go to the premises occupied by Irene Curtis?

A I did.

Q Where are those premises? A 216 West 15th street.

Q At the suggestion of the sergeant? A No, sir; at my own suggestion.

Q At your own suggestion? A Yes, sir.

Q In consequence of a complaint having been made to the Police Department? A Yes, sir.

Q And did you go to this defendant's room? A Yes, sir.

Q And you searched her room carefully? A Quite carefully, yes.

Q You recollect going into her trunk? A Yes, sir.

Q Do you recall finding any money there? A I found two dollars, in bills, and 50 cents in silver, one coin.

Q Did you find any gun on the premises? A No, sir. That was what I was in search of.

CROSS EXAMINATION BY MR. LORD:

Q Are you in plain clothes in the 17th precinct, or in uniform? A Plain clothes.

Q How long have you been in plain clothes? A Since August last.

Q And doing duty generally as a precinct detective? A Yes.

Q Larcenies, disorderly houses and the whole business?

A Yes, sir.

Q Well, did you ever see this defendant in your pre-

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cinet? A No, sir; but I had seen her in the 19th precinct.

Q You have seen her around the 19th Precinct? A Yes, sir.

Q Where is that? A West 30th Street station house. It takes in from the east side of Seventh Avenue to the west side of Fourth Avenue, and from the north side of 14th Street to the south side of West 42nd Street.

Q Do you know whether the defendant lived at 216 West 15th Street? A I know she had a room there.

Q Had you seen her coming out of there? A No, sir; but she gave her address, in the court, the next morning. She wouldn't give it to us, that night.

Q When did you go there to make the search? A On Sunday evening.

Q And when was the arrest? A The arrest was made on Saturday morning.

Q And you went and made a search, Sunday evening? A Yes, sir; Sunday evening.

Q Well, did you make the arrest of this woman? A No, sir. Officer McKittrick made the arrest.

Q Did you make the arrest with him? A The case was assigned to me, being a robbery case.

Q And you didn't find out where the woman lived, until Sunday morning? A No, sir.

Q Couldn't you have asked the complainant, Waterbury,

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where the woman lived? A Well, after the woman was arrested Waterbury and I and Officer McKittrick went through 15th St., and he couldn't exactly locate the house, because it was snowing very hard.

Q Well, did you go down to 109 Eighth Avenue?

A Yes, sir.

Q What did you do down there? A I went down there to make an excise arrest, being open at that time of the morning, and they were closed.

Q And you asked Waterbury to testify on the excise case?

A Yes, sir.

Q Well, was that place in your precinct? A Yes, sir.

Q And you discovered, for the first time, that the place was open after one o'clock, and took steps to prevent it?

A Yes, sir; to suppress it.

Q Now who is this man McKittrick? Is he a uniformed officer there? A Yes, sir; on Eighth Avenue.

Q And he made the arrest? A Yes, sir.

Q And, later, the case was referred to you? A Yes, sir.

Q And, some thirty-six hours afterwards, you went to the house, and looked through a trunk? A Yes, sir; just as soon as I got the address.

Q And what did you find there? A Two dollars in bills and a fifty cent piece.

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Q And you looked around for a gun, too? A Yes sir.

Q On what floor does the woman live? A On the top floor.

Q And how many floors are in the house? A Two floors and the basement.

RE DIRECT EXAMINATION BY MR. MEARA:

Q The complainant in this case, also, made a complaint against a man by the name of Jackson, and a man by the name of Roeder, for Excise; didn't he? A Yes sir.

Q And Jackson was --

MR. LORD: Objected to. I object to the disposition of the Excise case.

THE COURT: Objection sustained.

MR. MEARA: Your Honor, please, there are one or two questions that I would like to ask the defendant, which I forgot, last night.

THE COURT: very well. Put her on.

IRENE CURTIS, the defendant, being recalled by her counsel, testified as follows,

DIRECT EXAMINATION BY MR. MEARA:

Q Now, Miss Curtis, you recall your arrest by the of-

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ficer, in uniform? A Yes sir.

Q And did you have any conversation with the officer at that time? A Why, not until after we were walking up the street. He asked me where the --

THE COURT: No no. That is not the question.

You were asked, if you had a conversation. Answer yes or no.

BY MR. MEARA:

Q (repeated)? A No.

Q You didn't have any conversation, that morning?

A I talked to both of the officers, when they were taking me away. They came to the place, and placed me under arrest.

Q Answer my question, please. Did you talk with the officer in uniform, who placed you under arrest? A Yes sir.

Q Did he ask you what you did with the pistol, the gun, and the money?

MR. LORD: I object. I did not bring that out.

THE COURT: Objection sustained.

MR. MEARA: Exception.

Cross examination: None.

MR. MEARA: The Defense rests. I move to dis-

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miss. I make the formal motion, your Honor.

THE COURT: Motion denied.

MR. MEARA: Exception.

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## THE COURT'S CHARGE:

Gentlemen of the Jury:

At the very outset, I want to impress upon your minds that you have nothing at all to do with the morals in this case, and, whatever the understanding may have been between the complainant and this defendant, or whatever agreement may have been entered into between them, you have nothing at all to do with it, except upon the question of the credibility of the witnesses.

You are here, gentlemen, to determine, did this defendant take from the complaining witness, by force and violence, or by the use of a dangerous weapon, certain moneys. If she did, then your verdict ought to be that of guilty, as charged in this indictment.

I can readily understand how men, who are called into the jury box, for their first experience might hesitate to determine a case of this kind, and might have some opinions that would be prejudicial to the prosecution of such a case; but

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you must understand, gentlemen of the jury, that you are here simply to determine, is this defendant guilty, or not guilty of the taking of this money. If she is, then you ought not to hesitate in finding a verdict accordingly.

In determining the question of the guilt or innocence of this defendant, you have a right, and ought to consider the hour of the night, the distance from this defendant's home, and the time of her meeting with the complainant; her conduct subsequent to the meeting which she agrees was had; her conduct, at that hour of the morning; her conduct at the time of her arrest; her conduct upon the witness stand; all the circumstance sought to be considered by you in determining the question of her guilt or innocence.

Now, gentlemen of the jury, if you believe her story, that whatever money she received from this complainant was a voluntary payment by him, and was not received from him, or taken from him by force or violence, or any threat, or by the use of any fire-arm, if you believe that story, why, of course,

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your verdict must be that of not guilty.

Or,, if you believe that there is a reasonable doubt in this case, why, then, your verdict must be that of not guilty.

I, also, want to impress upon your minds, gentlemen of the jury, that, before the law, there can be no distinction made by reason of the sex of a person. You are here simply to determine the question of the guilt or innocence of the defendant; and, when you have done that, your duty ceases; and your verdict must not be brought about by fear on the part of the jury as to what the effect of their verdict may be, nor must it be brought about by reason of sympathy for one or contempt for the other.

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And I again repeat to you, gentlemen of the jury, that, if you believe, from all the circumstances in this case, that the defendant did not take this money, did not act in the manner described by the complaining witness, then your verdict must be that of not guilty.

But if you believe that she did, by the use of fear or threats, or the use of a firearm, take from him this sum of money, however small it may have been, your verdict ought to be that of guilty of robbery in the first degree.

I want to say to you, gentlemen, that, if you determine from all the evidence in the case that this defendant be guilty, although the indictment be one of robbery in the first degree, there are two other counts in the indictment; one of grand larceny in the first degree, which is the taking of property from the person of another, in the night time, and the other of assault in the second degree, which is the assaulting of a person with or without an instrument likely to produce grievous bodily harm; and, if you determine, gentlemen of the jury, that this defendant be guilty, you may find a verdict either of robbery in the first degree, grand larceny in the first degree,

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or assault in the second degree.

Any requests or exceptions?

MR. MEARA: Your Honor, we stand here charged with robbery in the first degree. We would like to have it go to the jury on that count, robbery in the first degree, guilty or not guilty.

THE COURT: Well, I have charged that they may find a verdict in any of the degrees that I have referred to.

MR. MEARA: Exception. I except to that portion of your Honor's charge in which you say that they are to consider particularly the time of night, and your Honor's language following.

THE COURT: Yes.

MR. MEARA: And I ask your Honor to charge this, that the jury is to consider everything connected with the case, and all the circumstances surrounding the case.

THE COURT: I so charge. The jury may retire.

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

MR. MEARA: If your Honor please, I would like to

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have the jury polled.

THE COURT: Yes.

(The Clerk polls the jury).

THE COURT: I will remand the defendant until  
Friday next.

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