

START

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CASE

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COURT OF GENERAL SESSIONS OF THE PRACE,
CITY AND COUNTY OF NEW YORK, PART IV.

----- X
THE PEOPLE :
 : :
 against : :
ALEXANDER ROSS. : :
----- X

Indictment filed 16th day of May, 1911.

Indicted for assault in the second degree and abduction.

For the People,
ASSISTANT DISTRICT ATTORNEY WELLMAN.

For the defendant,
ROBERT C. BURLANDO, ESQ.

Tried before HON. JOSEPH F. MULQUEEN, JUDGE and a
jury on the 12th day of March, 1912, etc.

Thomas W. Osborne,
Official Stenographer

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A N N A G O R M A N, called as a witness in behalf of the
People, duly sworn and examined, testified as follows:
(Residence 243 East 235th street.)

DIRECT EXAMINATION BY MR. WELLMAN:

Q Keep your voice up so that all these gentlemen can hear
you; how old are you? A 18.

BY THE COURT:

Q Speak up loud -- how old did you say you were? A 18.

BY MR. WELLMAN:

Q On the 25th of April, 1911, just how old were you?

A I was 17 then.

Q You were a few days short of 18? A Yes, sir.

BY THE COURT:

Q When was your birthday? A April 29.

Q You are going on 19 now? A Yes, sir, 19 April 29th.

BY MR. WELLMAN:

Q With whom do you live at 243 East 235th street? A I
live with my parents.

Q Your father and mother? A Yes, sir, and two sisters.

Q Do you remember the 25th day of April, last year, going
out that night with Helen Casey? A Yes, sir.

Q She lives a block or so away from you, does she?

A About a block.

Q Where were you going that night? A We were going to
the laundry.

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Q That was what night of the week? A Tuesday.

Q Do you always go Tuesday nights to the laundry? A Yes, sir, I always go Tuesday nights.

Q Now, coming back from the laundry, did you see this man Alexander Ross? A Yes, sir.

Q Did you know his name at that time? A No, sir.

Q You knew his face? A Yes, sir, I knew him from seeing him around the place there.

Q Had you ever spoken to him before? A No, sir.

Q Just from seeing him live in that neighborhood? A Yes, sir.

Q Where was it you saw him that night? A Well, I first saw him before we came to the Grand Central -- the Woodlawn Station of the Grand Central.

Q We could not hear you? A I first saw him before I came to the Woodlawn Depot of the New York Central Railroad.

Q Do you know about what time that was? A That was about twenty-five minutes of ten or around that.

Q Where did he go when you first saw him? A He went in the depot.

Q Did you walk on, you and Helen Casey? A I walked right ahead. I never paid any attention.

Q Just tell us all that happened from there then? A I walked ahead and the first thing I knew he touched me on the shoulder and pushed me into the girl that I was with.

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Q. Into Helen Casey? A. Yes, sir.

Q. You say you walked alone? A. Yes, sir, and Helen Casey asked him what was the matter with him and he went a few steps back and he said did you ever have this between your legs, and I asked him would he go about his business, and I told him if he did not go about his business I would get somebody that would—he said, Oh, come back here and I will show you something, and he came back to us, and he touched both of us.

Q. Tell what he did and where he touched you? A. He touched us on the privates.

Q. Go on from there, you say he touched you over your person? A. Yes, sir.

Q. And then what happened? A. He went away through a path.

Q. Did you say anything when he did that? A. We went back and tried to get a policeman. I told him I was going to get a policeman if I could.

Q. Where did he go when you said that? A. He went through a path that brings him out on the next avenue.

Q. You went east? A. We went east.

Q. And he went the other way? A. Yes, he went away.

Q. Where did you go to find a policeman? A. We went down to Webster avenue, that is the next avenue, the trolley cars pass there.

Q. Did you find one? A. No. We waited for a car to come up and a man and woman got off the car and we walked back of th

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man and woman but they were not going -- they were going the same way but they went on west and we wanted to go up Katonah avenue.

Q. You wanted to go on your way home? A. Yes, sir, and we went up Katonah avenue alone, nobody was there at all and we were about in the middle of the block when we see this fellow coming up the street, 234th street, and I thought to get out in the middle of the street to avoid him, he might pass me, because there was nobody to tell --

Q. Just state what you did, you say you went out in the middle of the road? A. Yes, sir, and he came out after us.

Q. What did he do? A. He took both of our wrists and he asked us what we run away before for. I don't know as we made any answer. I don't remember if we made any answer, but anyway the girl I was with took her hat pin from her hat and stuck him on the chest, but I don't know how far it went in and he let her go and she ran to the candy store to get somebody and then he gave me a blow in the mouth and a blow on the chest and I stumbled back a few steps on the curbstone and trapped on the curbstone.

Q. Did you fall? A. I fell, yes, and he put his hand up my clothes and he kneeled on my knees and put one hand on my throat and the other hand put up my clothes.

BY THE COURT:

Q. You say you fell down and he knelt on your knees?

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A Yes, sir.

Q What did he do then or say? A He said he had me now and he was going to screw me.

BY MR. WELLMAN:

Q Was there anybody else in the street? A No, sir.

MR. BURLANDO: Ask her which street she refers to now.

MR. WELLMAN: I will bring that out.

BY MR. WELLMAN:

Q I want to know just where this happened, this last time he joined you and assaulted you? A It happened in Katonah avenue between 233rd and 234th street.

Q Your home is 235th street east -- how far is that from Katonah avenue? A A half a block.

Q What happened after that? A Well, a boy came out from the candy store, Willie Koch, and he yelled at him and he ran through the woods and just a little while after Mr. Koch came along and we complained to two policeman that night.

THE COURT: Strike out the words "We complained to two policemen that night."

BY THE COURT:

Q Who ran through the woods? A This Alexander Ross.

Q The defendant? A Yes.

Q Then you went home? A Yes.

CROSS EXAMINATION BY MR. BURLANDO:

Q Now, you say this occurred on what date? A Tuesday

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night.

Q What night? A Tuesday.

Q What night in the month of April? A The 25th.

Q When did you make a complaint about the defendant?

A Well, first we complained to policemen but they did not seem to take much interest in it and so my father wrote a letter over to the Chief of Police of White Plains avenue.

Q You told your whole story to the policeman? A I did not. I did not say one word. I said a fellow came up to us and I did not say anything else. I did not tell him the whole story.

Q You mean to say to this Court and jury that you made a complaint and did not state what the boy did? A I did not exactly make a complaint because I did not know his name and they would not take any complaint until I found out his name. They told me when I found out his name, if I left the name in the candy store, then they would take the complaint.

Q They did take some interest in the matter? A May be they did, but they did not let on at the time they were.

Q Did you explain to them what you claimed this boy did?

A No.

Q Still you expected them to make an arrest? A After I got the name I was going to tell them. It was not any use of telling people what he done to me when I did not know his name.

Q Why did your father write to the Sergeant of the Williamsbridge station?

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MR. WELLMAN: I object.

THE COURT: If she knows I will let her state.

A Why did my father?

Q Didn't you just make a statement that your father --

THE COURT: Do not argue with the witness. She said he wrote to the chief of police at White Plains.

THE WITNESS: On White Plains avenue. I do not know why he wrote it, but I guess he just wanted to get a little bit of justice for me, don't you think so?

MR. BURLANDO: I ask that that part of the answer be stricken out.

THE COURT: Strike it out.

BY MR. BURLANDO:

Q As matter of fact how long after this alleged assault took place was the defendant arrested, if you know? A We were told Monday night -- I don't know.

Q What is that? A Monday after the Tuesday that it happened.

Q Six days after, is that right? A Yes.

MR. WELLMAN: I think we can agree on that -- it was the 2nd of May.

Q When did you first see the defendant that night? A I saw him when he ran across in front of us and went in the depot.

MR. BURLANDO: I will ask that that answer be stricken out and that she respond.

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THE COURT: That is an answer.

Q At what time did you see the defendant that night?

A About twenty five minutes to ten.

Q You are positive about that time? A I aint quite --
I did not have a watch or anything.

BY THE COURT:

Q To the best of your recollection what time was it?

A About twenty five minutes to ten.

BY MR. BURLANDO:

Q Where is this laundry you were up to? A 226th street.

Q White Plains avenue? A Yes.

Q How far is White Plains avenue from the Woodlawn station of the New York central? A I should think about five blocks.

Q Down a pretty steep hill? A Yes.

Q And the first time you saw the defendant Ross was opposite the Woodlawn station of the New York central? A No, not opposite, right in front of the Woodlawn station.

Q That is the first time you saw him? A Yes.

Q Is it not a fact you first saw Ross up in front of Sutherland's just right alongside of White Plains avenue? A No, I did not. I don't remember seeing any fellows on White Plains avenue at all that night.

MR. BURLANDO: I ask that the question be answered.

THE COURT: She said no -- what is Sutherland's?

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THE WITNESS: Candy store.

BY THE COURT:

Q The question was, did you see him in front of Sutherland's that night, yes or no? A No.

BY MR. BURLANDO:

Q When you first saw Ross what was he doing? A He was running -- he was going into the depot.

Q After he went in the depot what did you do? A I walked ahead. I did not pay any attention to him going into the depot.

Q Were you with Miss Casey all this time? A Yes, sir, we walked right ahead.

Q Then you and Miss Casey continued walking west? A Yes, sir.

Q Did you cross Webster avenue? A Yes.

Q When did you first see Ross after you crossed Webster avenue? A About 25 feet of Vireo avenue.

Q What was that last answer -- about 25 feet from Vireo avenue? A I cannot say it is 25 feet -- a little ways.

Q How far is Vireo avenue from Webster avenue? A One block.

Q One block? A Yes.

Q Have you any idea of the distance between Webster avenue and Vireo avenue? A No.

Q Then this alleged assault took place on 233rd street

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between Webster avenue and Vireo avenue, is that right? A Yes. The only thing that keeps it from being on Vireo avenue is this big tomb stone -- that is where that path goes around, right around that yard of tomb stones.

MR. BURLANDO: I will ask that that answer be stricken out as not responsive.

Motion denied and exception.

Then

Q /This alleged assault took place on 233rd street between Webster avenue and Virego avenue, is that right? A Yes, sir, it is right --

BY THE COURT:

Q Didn't you say it was on Katonah avenue? A No -- that was when he came up to us after.

Q The first time he accosted you was on 233rd street? A Yes.

BY MR. BURLANDO:

Q How far was that from Webster avenue if you know? A I don't know. It was a good ways -- only a little bit off Vireo avenue, because the path brought him out on Vireo avenue.

Q Tell the jury what you consider a good ways? A I should think about fifty feet.

Q How far? A May be thirty-five or fifty feet.

THE COURT: Point out any place in this room.

Q How far was it away from Webster avenue? A About to that door over there (indicating).

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BY THE COURT:

Q Away from Webster Avenue? A No, that was from Wisco Avenue.

Q He asked you from Webster Avenue. You are nearly 19 years old and you ought to have sense enough to understand English and answer the question. You must not be angry with him about asking you questions but be patient and listen to him and answer them. He asked you how far it was from Webster Avenue. I do not know if that is important or not, but he is entitled to ask you any question he wishes. You understand that? A Yes.

Q And when he asks you a question listen to it and then answer it. A I should think from Webster Avenue it was the full length of this room, it looks to me.

BY MR. BURLAIDO:

Q A hundred feet from Webster Avenue? A I think it is more than one hundred feet.

Q Did you ever testify in a previous trial that it was one hundred feet? A I don't know. I may have.

THE COURT: Suppose she did. What difference does that make.

Q When you first saw him after he left Webster Avenue, what did he do, if you know? A How do you mean -- when we went back for the policeman?

Q After you crossed Webster Avenue with Miss Casey you continued up 233rd Street? A Yes.

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Q And you continued to a point about one hundred feet west of Webster avenue, is that right? A I think so.

BY THE COURT:

Q You crossed Webster avenue? A Yes.

BY MR. BURLANDO:

Q You were with Miss Casey at the time? A Yes, sir.

Q Then did Ross come up to you? A Yes, he ran up from behind.

Q What did he do? A He pushed me into my friend and she asked him what was the matter with him and then he walked a little ways ahead of us and he said, did you ever have this between your legs.

Q Who did he ask that of? A I don't know. He was not talking to either of us at that time.

Q Wasn't he talking to either of you? A I don't know which one he meant. I cannot say. There was two of us there.

BY THE COURT:

Q You heard him? A Yes, both of us heard him.

Q You heard him? A Yes.

BY MR. BURLANDO:

Q You were both there all the time? A Yes.

Q When he asked you that, how would you like to have this between your legs, what response did you give? A I told him would he go about his business -- I asked him would he go about his business and he said "Oh, come back here and I will show you

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something. That he said to me.

Q How far away was he when he said that? A Not very far, about as far as that table there.

Q When he asked you that, he was about five feet away from you? A Yes.

Q That was all he did, he just asked you that? A Then he came back to us again.

Q How long after did he come back?

MR. WELLMAN: Let her finish the answer.

BY THE COURT:

Q At that time was that all he did? A No, sir, he came back to us in the course of the few minutes he was speaking to us and he touched the both of us.

BY MR. BURLANDO:

Q How many minutes elapsed between the time he pushed you into Miss Casey until the time he came back again and spoke to you? A I should think two or three minutes.

Q In the meantime what were you doing? A I looked around and there was nobody there.

Q Did you run away, did you stand or what did you do for three minutes? A Well, I don't know -- we went to go back and see if there was a policeman. I was after telling him I was going to get a policeman.

Q You wanted to go back, but did you move from that spot? A Yes, I turned around and went back.

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Q You went back? A Yes, sir, I did.

Q Where did you go? A I went down to Webster avenue.

Q What did Ross do then? A I don't know. He went through the path -- I don't know where he went.

Q What did you do after that? A I walked back of this lady and man.

Q A car came along about that time? A No, it did not. We waited a couple of minutes before the car came.

Q How many minutes did you wait before that car came along?
A Just about two or three minutes.

Q You waited two or three minutes -- you walked back from the point where you say Ross was? A Yes, sir.

Q To Webster avenue? A Yes.

Q And waited there two or three minutes and you were back to the same spot again in three minutes, is that right? A I don't know -- I did not say I was back -- where do you mean, the same spot?

Q Didn't you just testify that about three minutes elapsed from the first time that he touched you and the time you said he touched you the second time? A No, sir, I do not. I said that was all at the one time. He said to us, did we ever have this between our legs and he touched us at the private s at the same time -- in about two minutes or three minutes time then.

Q He asked you if you ever had that between your legs and immediately he touched you at the same time? A Yes, sir, he did.

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Q When what happened, what did he do the next three minutes, before he came back again? A He did not come back again.

Q What? A I went down to get a policeman. He did not come up again until we got up to Katonah avenue. We walked back of the lady and ran up to the avenue. I did not see where he went.

Q How many blocks did you walk up Webster avenue behind this man? A Through 233rd street to Katonah avenue, two or three blocks.

Q You know how far it is, you have been living there -- how many blocks? A Three.

Q How do you go home nights? A Straight through 233rd street and along Katonah two blocks and a half a block to my house.

Q Follow 233rd street to Katonah avenue? A Yes.

Q How wide a street is 233rd street, if you know? A Pretty wide.

Q How wide, one hundred feet or more? A I never measured the street, I don't know.

Q It is at least one hundred feet? A I should think so.

THE COURT: She says she does not know, but it is pretty wide.

Q That is a leading thoroughfare up there, 233rd street?

A There is no leading thoroughfare in Woodlawn. There is a cemetery on one side of the street.

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Q Is it not a fact that 233rd street is one of the leading thoroughfares in the Bronx? A That is not a leading thoroughfare.

THE COURT: She says she does not know.

Q You say when Ross rushed right up to you at a point one hundred feet west of Webster avenue on the north side of 233rd street, he pushed you into Miss Casey and immediately put his hands on your privates? A Yes.

Q And did the same thing to Miss Casey?

THE COURT: Not on Webster avenue.

MR. BURLANDO: She said the north side of 233rd street.

THE COURT: On Katonah avenue.

MR. BURLANDO: We talk about the first time.

THE COURT: Be careful to say the first time.

Q Is that what you want the Court and jury to understand, that this young fellow rushed up behind you two within one hundred feet of Webster avenue on which cars run very frequently? A No, they do not run very frequently.

MR. WILLMAN: I object to that.

MR. BURLANDO: I withdraw that remark if your Honor directs me to.

THE COURT: Yes.

Q You mean to say to this Court and jury --

THE COURT: You can ask her anything you like about Webster avenue and the other avenues.

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Q Do you mean to say to this Court and jury that this young fellow rushed up behind you and Miss Gassy within one hundred feet of Webster Avenue, on East 233rd Street, pushed you up against Miss Casey and put his hands on the privates of both of you? A There is nobody to stop it.

BY THE COURT:

Q Yes or no. A Yes.

BY MR. BURLANDO:

Q Yes. A Yes.

BY THE COURT:

Q He did not put his hands under your clothes at that time?

A No.

Q Just outside of your clothes? A Yes.

BY MR. BURLANDO:

Q Without saying a word to you? A I told you he said before, did you ever have this between your legs.

Q Did he motion anywhere or put his hands on your private parts at the time? A Not quite at the time -- a few minutes before -- seconds -- I don't think they were minutes -- I don't know just how long it was.

Q What did you do as soon as he put his hands on your private parts, as you say, and Miss Casey's, what did you do?

A We went back to get a policeman.

Q Whom did he touch, you or Miss Casey? A He touched me first.

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Q Then he touched Miss Casey? A Yes.

Q Then you ran back to Webster avenue? A Yes.

Q And did you see a policeman? A No.

Q Was a policeman on the corner? A No, I did not see a policeman that night.

Q You waited there a few minutes until somebody came off the car? A Yes.

Q Then what did you do? A I walked in back of this lady and man.

Q Where did you go to? A Walked towards my home, up Katonah avenue.

Q Up 233rd street to Katonah avenue -- is that all that happened that night? A We walked up Katonah avenue and then we seen this Ross fellow coming up 234th street.

Q How much time elapsed between the time that you first saw Ross at twenty five minutes to ten until such time as you got up to Katonah avenue, the corner of 233rd street, how much time elapsed? A About ten minutes.

Q Did you tell this man and woman that a young fellow had bothered you? A No, sir, I did not.

Q Why did you not? A Because I thought he was gone. I did not think he would come up to us again.

Q How long had you known Ross before this happened? A I did not know him at all.

Q Did not know him at all? A No.

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Q Never saw him? A No, never saw him -- yes, I saw him. I knew him by sight.

Q How far did you live from Ross at that time? A I did not know he lived in Woodlawn at the time.

Q Did you know where Ross lived at that time? A No, I did not -- I thought he lived on Carpenter avenue and --

Q Did not Ross live within a block or a block and a half of you? A No -- I did not know where he lived at that time.

Q You never saw him before that day? A Yes, I knew him by sight.

Q How did you know him by sight, when did you see him that you should know him by sight and not know where he lived? A I used to see him on the cars and used to see him around there. I don't know where everybody lives.

Q Is it not a matter of fact that you used to see him going through your street and going to his house which is only a block away?

THE COURT: She said that she did not know where he lived.

Q When did you say Miss Casey stuck Ross with a hat pin, at what time was that? A About quarter of ten.

Q Where? A On Katonah avenue between 233rd and 234th street.

Q Under what circumstances? A What do you mean, under what circumstances.

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Q When did she stab him or stick him with the hat pin?

BY MR. BURLANDO:

Q Did Ross assault Miss Casey at the time? A No, he took us both by the wrist and asked us what we ran for before and then she took the hat pin from her hat and stuck him right on the chest and he let her go and then she went to the candy store.

Q Where is this candy store? A It is about one hundred feet away.

Q One hundred feet from where? A Well, it is one hundred feet from where he assaulted us.

Q He got hold of Miss Casey? A Yes.

Q Before she stuck him? A He just had hold of her by the wrist.

Q What did he say at this time? A He asked us what we ran away for -- did not have such a great length of time.

Q What else did he say, anything? A When she went away to get this woman out of the candy store, whoever would be there, he hit me in the mouth and in the chest when I went to get away from him.

Q Do you mean to say to this Court and jury that this young fellow hit you in the mouth? A I bet you a dollar he did.

BY THE COURT:

Q Just answer the question? A Yes, sir, he did.

BY MR. BURLANDO

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Q Do you recollect having testified before in the Court of Special sessions in the Matter of the People against Ross on the complaint of Helen Casey, on the 25th day of September, 1911 before Mr. Justice Duell, O'Keefe and Mayo? A Yes, sir.

Q Do you recollect what you testified to on that date?

A I think I do.

Q Is your recollection good upon what you testified to?

Objected to.

THE COURT: You have a right to confront her with her testimony at that time.

BY THE COURT:

Q Your memory is pretty good? A Yes.

BY MR. BURLANDO:

Q You were called as a witness that day? A Yes.

Q Did you say anything about any assault made upon you other than that made upon Miss Casey?

Objected to. Sustained.

MR. BURLANDO: If your Honor please --

THE COURT: You have to show whether she was asked or not. How would an assault made upon her be admissible as evidence in that case. If she was asked any question, you can confront her with any answers she ever made, any declaration she made -- not what she did not make. Call her attention to any statement she made which you think conflicts with what she has said today.

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BY MR. BURLANDO:

Q Do you recollect making the following statement, direct examination by Mr. Wilmot, "What time of the night was that? A Between twenty five of ten and quarter of ten."

MR. WELLMAN: That does not state what?

MR. BURLANDO: I am going to show it is material.

MR. WELLMAN: What do you refer to?

THE COURT: She said twenty five minutes to ten. It is for the jury to say whether there is any conflict in the testimony or not. She said the whole thing took about ten minutes, at another time.

Q Do you recollect whether or not on that date, in Special Sessions, in the case of the People on the complaint of Helen Casey against Ross, whether or not the minutes or the case of the People against Ross on the complaint of Anna Gorman was produced and presented before the Special Sessions on that date?

MR. WELLMAN: I object. She does not know.

MR. BURLANDO: I believe she does know.

THE COURT: I sustain the objection. You can show any statement that she made at any time to contradict what she has said here today. That is a broad power. You cannot ask her about things she did not do, or about things over which she has no control.

Q How often did you go with Miss Casey about that time

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to Williamsbridge through East 233rd street?

THE COURT: What do you mean by about that time?

MR. BURLANDO: April 25th, 1911.

THE COURT: You do not mean at twenty five minutes to ten?

MR. BURLANDO: No, I do not mean any particular time.

THE COURT: Why do you say about that time -- why not ask her generally how often she went there. Repeat the question.

The question is repeated by the stenographer as follows: "How often did you go with Miss Casey about that time to Williamsbridge through East 233rd street."

THE COURT: Do you understand the question?

BY MR. BURLANDO:

Q How many nights a week did you go out with Miss Casey towards Williamsbridge about that time? A We went to the laundry on Tuesday and took it home on Friday.

Q Is that the only time you ever went to Williamsbridge?

A There is^a tailor over there and we know three or four girls over there.

Q You did not only go there just for the purpose of getting laundry and the tailor? A I did, I went out that night --

Q You generally went to Williamsbridge seeking pleasure and enjoyment and meeting friends of yours, girl friends I will say? A I generally went on Sunday afternoon to see people.

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Q Never go out nights? A When I went for the laundry or when I had to go out I went.

Q Just when you were compelled to go out, is that the only time you ever went to Williamsbridge? A Yes.

Q You testified a few minutes ago that you knew Alexander Ross only by sight and not by name? A Yes.

Q Is that the fact? A Yes, sir, that is the fact.

Q Did he ever go out walking with you before that time?

A I never knew him, no.

Q Is it not a fact you were acquainted with him before that date? A No, sir, I never knew him before.

BY THE COURT:

Q Answer the question? A No, sir.

THE COURT: She has said repeatedly she did not know him. (To the witness) Answer in as few words as possible.

BY THE THIRD JUROR:

Q Is the young lady employed?

BY MR. WELLMAN:

Q Are you employed? A Yes, sir, I am a telephone operator now, but I was not at the time.

Q You were living with your parents? A Yes.

Q You had not worked up to that time? A No.

BY MR. BURLANDO:

Q Do you know if Alexander Ross was living with his parents

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at that time? A I do not know. I did not know his name.

MR. WELLMAN: Will you allow me to call a witness a little bit out of order.

THE COURT: Yes.

W I L L I A M K O C H, called as a witness in behalf of the People, duly sworn and examined, testified as follows:

(Residence 4,259 Katonah avenue.)

BY MR. WELLMAN:

Q Now, Willie Koch, 4,259 Katonah avenue is a candy store?

A Yes, sir.

Q That is between what streets? A Between 233rd and 234th.

Q On Katonah avenue? A Yes.

Q And what side of the street is that, east or west, north or south -- or east or west -- is it nearer Webster avenue?

A Nearer Jerome avenue.

Q That is west, I think -- on the 25th of April, 1911, were you there in the store? A Yes.

Q About half past nine or ten o'clock at night? A Yes.

Q Did you know at that time a girl named Helen Casey, did you know her by sight? A Yes, sir.

Q Now, you lived over this candy store with your father and mother? A Yes, sir.

Q You have a sister? A Yes.

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Q What is her name? A Anna Koch.

Q You have a sister and what is her name did you say?

A Anna Koch.

Q Did you see Helen Casey that night at all? A Only when she came into the store.

Q That is what I mean, when was it she came into the store if you can say? A Between nine and ten.

Q You cannot say any more definitely than that? A No.

Q Who was there? A Just my mother and myself.

Q Now, she came in and what did she say? A She said, Anna is getting assaulted.

Q You say you have a sister Anna? A Yes.

Q What did you do when she said that? A As soon as she said that I jumped up and run out thinking it was my sister.

Q What did you do? A When I got out I yelled let my sister alone.

Q What did you do after you yelled? A I started running up towards the girl and this fellow.

Q Did you see them before you yelled? A No, sir, while I was going out I yelled.

Q You yelled out, how did you yell? A I yelled at the top of my voice.

Q And then you say you saw a man -- I want you to say what you saw? A I saw a man standing up and the girl getting up.

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Q What did the man do when you yelled? A He started to run through the lots.

Q Did you go up to the girl? A Yes.

Q And who was that girl? A Anna Gorman.

Q Helen Casey, what did she do? A She came running back after I got there.

Q Did you see the man who was running away? A I saw him going through the woods.

Q You did not see his face? A No, sir.

Q You say the man was running away from her and she was lying on the ground or getting up off the ground? A Getting up off the ground.

Q Did you ask the name of the man? A I asked what was the name but she did not know at that time.

CROSS EXAMINATION BY MR. BURLANDO:

Q What did you do then? A I stood by the girl.

Q What did the girl do? A She went down looking for a policeman.

Q How? A Went down towards to look for a policeman.

Q That night? A Yes, I asked her -- my father came along in the meantime and I said to him, we will walk down and see if we can find an officer.

MR. BURLANDO: I move to strike that out.

THE COURT: Strike it out.

BY MR. BURLANDO:

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Q What did you do? A I walked with the girls and then we went and looked for an officer.

Q Who do you mean by we? A The two girls and myself.

Q You walked down 233rd street? A Yes, sir.

Q Where did you go? A Walked down by the entrance to the cemetery.

Q How many entrances are there to the cemetery -- which entrance do you mean? A The second entrance.

Q Where is it near, how far from Webster avenue? A About a block and a half.

Q From Webster avenue -- where is the first entrance?

A Down at Webster avenue.

Q Is that as far as you went? A Yes.

Q Did not go down to Webster avenue or towards the station? A No.

Q Did you look for a policeman in the cemetery? A On the other side of the cemetery entrance we saw the two officers.

Q You saw two officers? A Yes.

Q Did you talk with those two officers? A Yes.

Q Did you complain -- what happened? A The girls told him there was a man grabbed them.

Q Do you know just what these girls said to the officers and what the officers said to the girls? A No, sir -- might know a few words -- they said a man or boy, or man attacked them -- I walked down with these two girls and they told the

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officersthat the man grabbed them and one ran into the store and told me and I ran out.

Q They told all that to the policeman? A They told the officer and the officer asked only if they knew his name and they said no, they did not know his name but they knew him by sight.

Q What else was said? A Nothing else was said.

Q What did the officers say to them? A The officers said -- he walked home with them -- he said to them, if he finds him he will make an arrest.

Q What, if he finds him he will make an arrest? A Yes.

Q Did the officer go to his house? A No.

Q How do you know? A Because they did not know who he was and where he lived.

Q What else did the officers say to them if you know?

A I don't know what he said.

Q What did you do after the officers walked home with the two girls? A I went home.

Q How do you know the officers took the two girls home?

A They walked towards their way. The girls walked up in front and the two officers right behind them.

Q Who are the two officers, if you know? A I don't know their names.

Q Did you ever see them before? A Yes.

Q Just what time of the night was it? A It was between

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nine and ten.

Q Is that the best answer you can give on that? A Yes.

Q What time did you get back after having gone down to the second gate of the cemetery and then getting the officers and the officers walking home and you seeing them walk home with the two girls, what time did you get back to your store? A I don't recollect what time I got back.

Q Have you any idea? A No, sir.

Q What makes you think it was between nine and ten?

A Well, I generally go to bed between nine and ten every night and I was then about to go to bed when this girl came running in.

Q Which girl came running in? A Helen Casey.

Q What did she say to you? A She said Anna is getting assaulted.

Q Then you rushed out of your place? A Yes.

Q And what did you see? A Before I saw anything I began yelling and when I saw -- when I looked I saw a fellow running through the woods.

Q The only thing you saw was the fellow running through the woods? A Fellow running through the woods and a girl getting up.

Q What position was she in when you first saw her? A Getting up off the ground.

Q What do you mean by getting up? A Getting up off the ground.

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Q Was she on her hands or knees or back or how, explain to the jury how she was getting up? A She was starting to rise up off the ground.

Q How us how she was getting up, what did she do, describe how she got up; ~~it~~ was she on her back or stomach or where was she? A Getting up off her knees. She was on her knees, kneeling on her knees bent over.

Q On her hands and knees? A Yes.

Q You saw the fellow running through the woods? A Yes.

Q Many woods up there -- is it much populated or not?

THE COURT: What do you mean -- are the wood populated or what?

MR. BURLANDO: Why do you not ask him a simple question. You ask him "many woods up there or much populated-- what does that man?

MR. BURLANDO: He does not answer the first question and I ask him another.

THE COURT: Begin again and ask him anything you like about the woods, but ask him in such a way that he can answer it.

BY MR. BURLANDO:

Q You say he ran through the woods -- are there many woods up there? A Yes, quite a few.

Q Are there any houses around there? A It is not woods-- it is lots -- houses one here and there.

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Q What do you mean by that? A The houses are not altogether up there.

Q How far are the houses apart on Katonah avenue where your candy store is? A I could not judge that.

Q How many houses are there between the block, or in the block between east 233rd street and 234th street and Katonah avenue? A One on 233rd street, right on one corner of 233rd street.

BY THE COURT:

Q That is all, on both sides of the street? A Yes.

Q And what is the rest? A Lots -- woods.

BY MR. BURLANDO:

Q Where is your candy store?

BY THE COURT:

Q What do you mean by lots, just vacant lots with trees growing on them? A Yes.

Q You can see through them? A Yes.

Q Not so dense or thick that you cannot see? A No.

Q And your store is on the corner of 234th street and Katonah avenue? A Between 234th and 235th street on Katonah avenue.

Q In what part of the street was this girl when you saw her? A Between 234 --

Q What part of the street? A In the middle.

Q In the roadway? A Yes.

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Q Not on the sidewalk? A No.

Q Is there a sidewalk there? A Yes, sir.

Q There is a sidewalk? A Yes.

Q She was in the middle of the road? A She was on the sidewalk.

Q Not the roadway? A No.

BY MR. BURLANDO:

Q You say she was on the sidewalk? A Yes.

Q Which side of the street? A On that side (indicating).

Q What do you mean by that side, west or east side, the side nearer Jerome? A The side nearer Jerome.

Q The west side? A Yes.

BY THE COURT:

Q Do you know if it was east or west? A On the west side.

BY MR. BURLANDO:

Q You saw Anna Gorman on her hands and knees just starting to get up? A Yes.

Q And you saw a man running through the bushes or through the lots -- there were no trees there, just bushes and vacant lots, is that right? A A few trees and a few shrubs.

Q Just how far is that point north of East 233rd street? A About 75 foot away.

Q Are there arc lights all along through 233rd street? A Yes.

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Q Katonah avenue is lit up pretty well? A Yes -- well there is one three lampposts in the block there.

Q How far apart are the lampposts? A I couldn't tell you.

Q How do you know there are only three in the block?

THE COURT: Can you not count three?

THE WITNESS: Yes.

Q Did you ever take the trouble to count three? A Yes.

Q Do you mean to tell the Court and jury that the defendant Ross threw Anna Gorman to the ground on Katonah avenue, the street, lighted up with three lights in one block, 75 feet from 233rd street where there are arc lights? A I thought you meant from 233rd to Anna Gorman was 75 feet away, I thought you meant.

Q That is just what I mean, do you mean to say that he threw the girl down there on the sidewalk with all that light there?

MR. WELLMAN: He did not say that.

THE WITNESS: I did not say that.

MR. WELLMAN: He said he saw the girl getting from

the ground and the boy running away.

BY THE COURT:

Q You did not see him throw her down? A No.

BY MR. BURLANDO:

Q You saw the girl getting up? A Yea.

Q On the direct examination just a few minutes ago ~~in~~ you testified that you saw the man standing up and the girl

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getting up, isn't that a fact? A Yes.

Q Then he was not running through the bushes when you first saw him, which is correct? A When I first saw him he was standing still and after he saw me, or when he heard me yell, he started through the woods.

Q He was standing still -- what was he doing, looking at you? A I couldn't tell what he was doing.

Q Was he standing with his arms akimbo? A He was just standing up straight.

Q Just standing straight looking at her? A Yes.

Q As soon as you yelled he ran? A Yes.

Q You are positive about that? A Yes, positive.

REDIRECT EXAMINATION BY MR. WELLMAN:

Q You said you yelled the moment you got out of the store?
A Yes.

Q When you looked down you saw the man run from the spot there? A I saw the man there and no quicker than I turned around and he ran.

Q You say you yelled when you first came out of the store, before you saw the man? A Yes.

Q Was there anyone else there in the street? A No, sir, only Helen Casey and Anna Gorman.

Q No passers-by? A No.

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H E L E N C A S E Y, called as a witness in behalf of the People, being duly sworn and examined, testified as follows:

(Residence 328 West 235th street.)

DIRECT EXAMINATION BY MR. WELLMAN:

Q How far is that from Anna Gorman's house? A About a block.

Q With whom do you live there? A My mother and father -- parents.

BY THE COURT:

Q Did you ever go to school up there? A Yes.

Q What school? A No, I never went to school up there.

Q You never went to school? A Not up there.

BY MR. WELLMAN:

Q Where did you go to school? A 168th street, Washington Heights.

BY THE COURT:

Q Did you learn to talk in school? A Yes.

THE COURT: Then talk out loud.

BY MR. WELLMAN:

Q How long have you been living there in 235th street?

A Two years last September.

Q Now, Miss Casey, I want you to tell us what happened on the 25th of April in the night when you and Anna Gorman were coming back from the laundry, just tell it in your own

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way and speak up good and loud? A When we were returning home from the laundry we came along down to 233rd street and this defendant passed us and he ran into the depot and we went a block ahead of him when he came up to us again and he pushed Anna Gorman into me. I asked him what was the matter with him. He turned and said, Ah, and then he made an insulting remark and he touched both of us.

MR. BURLANDO: I move to strike that out.

THE COURT: Strike it out.

Q I will have to ask you to state what he said? A He touched us both on the skirt and then he said did you ever have this in between your legs.

Q Then what happened, what did you say? A Then Anna Gorman said, if he did not go on about his business she would get someone that would make him go on about his business.

Q What did he do? A He cut through a path.

Q Where did you go? A We went back to get a policeman.

Q Where to? A Back to Webster avenue, the next block.

Q Go on? A When we went back to get a policeman there was no policeman in sight and we saw a lady and man getting off a car and I said to Anna we will walk up in front of this lady and man and most likely he has gone away. We walked up in front of the lady and man and when we came to the avenue we lived on, Katonah avenue, they went straight up the block and we turned and went up the avenue we lived on and when we got about

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the center of the block we saw a figure coming up 34th street, the next street and we got out in the middle of the road to avoid him and when we did so he came after us and grabbed both of us by the wrist and asked us what we meant by running away from him.

Q Who was it that did that? A Alec Ross. I took out a hat pin and touched him with the hat pin and I said you let me go and he let me go and grabbed Anna Gorman with his two hands and I ran.

Q You say he let go of your wrist? A Yes.

Q What did you do? A I run away.

Q Where did you go? A To Koch's candy store and as I was running I slipped and fell and I heard Anna holler, Oh, Ellen, get help, and I turned around. I was still running and I said all right, Anna, I will get help, and as I did I saw her on the ground. I saw both of them on the ground.

Q You saw Anna Gorman and this man on the ground? A Yes.

Q How far from you was the candy store then when you stumbled? A I guess I was near the candy store door, only a few steps away.

Q You then went into the candy store? A Yes.

Q Did you say something there? A Yes, I said something to Mrs. Koch.

Q What happened then? A So she called Willie and Willie came running out, but I had come out ahead of Willie and when I got out ahead of Willie she was still on the ground and Willie

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the minute he got out he yelled and as he did this fellow got up.

Q Where did he go? A He ran through the woods.

CROSS EXAMINATION BY MR. BURLANDO.

Q Who was this fellow? A Alexander Ross.

Q How did you know that? A I did not know his name until the detectives caught him.

Q How long after did the detectives get him? A A week after.

Q Where did you first see the defendant Alexander Ross on that night? A On that night?

Q Yes. A The first time when he came up to us.

Q Where was it? A In 33rd street.

Q Near what avenue? A Between Webster and Vireo avenue.

Q The first time you saw him that night? A The first time I saw him that night.

Q You are sure about that? A I am positive.

Q Is the depot of the New York central east or west of Webster avenue, if you know? A I don't know.

Q Coming from White Plains avenue, going west and down the hill, down east in 233rd street, which do you pass first, or get to first? A The depot.

Q Therefore the depot is east of Webster avenue -- are you positive the first time you saw the defendant Alexander Ross that

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night was between Webster and Vireo avenue, just west of the depot? A No, he ran into the depot first, that was the first time I saw him.

Q Therefore the first time you saw him was when he was away this side, east of Webster avenue, is that right? A Yes.

MR. WELLMAN: She has not said it was east.

THE COURT: She said she first saw him going into the depot.

MR. BURLANDO: A minute ago she said the first time she saw him --

THE COURT: In her direct testimony she said the first time she saw him was going into the depot.

BY THE COURT:

Q He did not accost you then? A No.

Q You meant the first time he spoke to you was on Webster avenue? A Yes. ✓

BY MR. BURLANDO:

Q Where was the first time he accosted you? A When we met him in 33rd street between Webster and Vireo avenue.

Q What happened then? A He pushed Anna Gorman into me. I asked him what was the matter and he touched us both on the skirt.

BY THE COURT:

Q Did you have a good look at him? A Yes.

BY MR. BURLANDO:

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Q What did he do? A Touched both of us upon the skirt.

BY MR. WELLMAN:

Q Tell how he touched you?

BY MR. BURLANDO:

Q What part of the skirt? A On the private parts.

Q Did he touch you upon the skirt or do what you just said he did? A He touched us on the outside of the skirt.

Q What part of the skirt? A Right here (indicating).

Q What did he do after that? A Then he said did you ever have this in between your legs.

Q Who did he say that to? A To both of us, not to either one of us in particular.

Q What did he do after that? A Then he ran through the path and when he was going through the path he said come back here and I will show you something and with that Anna Gorman said if you don't go on about your business I will get someone who will make you.

Q You were there all that time? A Yes, sir, I was there with her all that time.

Q What did you do? A I went back with her to look for a policeman. No policeman was in sight. A lady and man --

Q How far back did you go? A To Webster Avenue.

Q No policeman there? A No.

Q Then what did you do? A We seen a lady a man getting off the car and we walked back of them up 33rd street again

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until we got to Katonah avenue. They went ahead over and we went up Katonah avenue to where we lived and when we got about half way the middle of the block --

Q Which block? A Between 33rd and 34th street on Katonah avenue, we saw a figure coming up the next street which is 34th street and I said to Anna may be this might be him back again and we went out in the middle of the road to avoid him.

Q You went out in the middle of the road? A Yes, to avoid him.

Q In the middle of the road? A Yes, sir.

Q Continue. A So then when he came back he caught hold of both of our wrists and wanted to know what we ran away for.

Q Still in the middle of the road? A Yes, in the middle of the road.

Q What happened? A He grabbed hold of both of our wrists and asked us what we ran away from him for and I got the hat pin out and I said if you don't let me go I will stick you with it, and he let go of me and then got hold of Anna Gorman with his two hands.

Q still in the middle of the road? A Yes, middle of the road. They were in the middle of the road when I left them.

Q Where were they when you came back? A When I did not get back I stood outside of Koch's, and when I came back he was gone but I seen them on the ground, both of them on the ground. I fell when I was running for help.

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Q Just one minute, when you came out of there, were they still in the middle of the road? A No.

Q Was Ross there? A No.

Q Was Miss Gorman there -- A Ross was there -- he was on the ground when I came out of Koch's.

Q Ross was on the ground? A Yes, when I came out of Koch's, and did not get up until Willie Koch yelled at him. I came out in front of Willie Koch.

Q How much ahead of Willie Koch were you? A I couldn't say. He came right out after me.

Q Koch saw him before he yelled at him? A Koch did not see him. Koch yelled as he was coming out of the door.

Q Koch yelled before he saw anybody or anything? A Yes.

MR. WELLMAN: I object. How can she know when Koch knew.

THE COURT: Objection sustained.

Q Do you know where Ross was at the time Koch first saw him?

Objected to. Question withdrawn.

BY THE COURT:

Q Do you know when Koch first saw him? A When he ran out of the store.

Q That is, you think he did? A Yes.

BY MR. BURLANDO:

Q At the time you saw the two of them they were both in the

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middle of the road on the ground? A No, they were not in the middle of the road. They were on the sidewalk.

Q Which sidewalk were they on? A On the north side of the avenue.

Q You mean on the east side or west side of the avenue?

A I had it down as the north. I guess it was the west side of the avenue.

Q What happened after the time Koch yelled? A He got up and ran through the woods.

BY THE COURT:

Q Who got up? A This defendant Alexander Ross.

Q When did you next see the defendant? A I did not see him then until I went over to the magistrate's court.

Q When was that. I asked you when you next saw him?

A In May.

Q How many days after? A A week after.

Q You recognized him as the same person? A Yes.

BY MR. BURLANDO:

Q Did you make a charge against the defendant Ross at the time you saw him in the magistrate's court? A Yes.

Q Did you? A Yes.

Q What was the charge you made against him?

Objected to as immaterial.

Objection overruled.

BY MR. BURLANDO:

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Q What was the charge you made against Alexander Ross?

A I think it was simply assault.

Q Simple assault based on what happened between Ross and you and Miss Gorman that night, is that right? A No, it was two separate cases. It was just my case -- the assault he done to me.

THE COURT: It was an assault that night.

Q Didn't you charge the defendant Ross --

BY THE COURT:

Q You charged him with simple assault? A Yes.

Q When did you say he assaulted you? A That night, that same night.

BY MR. BURLANDO:

Q Didn't you charge the defendant with assaulting you by putting his hand on your person and asking you --

BY THE COURT:

Q Yes or no.

BY MR. BURLANDO:

Q Did you charge the defendant with having put his hands on your person and having asked you then whether or not you would like to have that between your legs? A Yes.

Q You charged him with that? A Yes.

Q And the defendant stood trial on that charge, did he -- did he stand trial in the court of special sessions? A Yes.

Q On that charge? A Yes.

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Q Wasn't he acquitted? A Yes.

MR. WELLMAN: I object. What can that have to do with this case.

THE COURT: Nothing whatever, but he asks the question.

MR. WELLMAN: I would like to cross examine her upon that.

THE COURT: Proceed. That has nothing to do with this charge.

BY MR. BURLANDO:

Q Did you say anything in Special sessions Court about having stuck Ross with a hat pin? A Yes.

Q You did? A Yes.

Q Did you say anything in the Special sessions court about Ross having laid his hands upon your wrist upon Katonah avenue? A No, because I was told that was another case.

Q Didn't you claim he assaulted you then on Katonah avenue? A No, I did not claim that.

Q You are positive that you testified in Special sessions Court that you stuck him with a hat pin?

THE COURT: She has answered that question once.

That is repetition.

BY MR. WELLMAN:

Q Is it not a fact that when Anna Gorman made her complaint before the magistrate and made out her complaint against him, when the judge saw it, he made you make a complaint against

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this man for the other assault?

Objected to as incompetent, irrelevant and immaterial.

MR. WELLMAN: Counsel brought it out.

THE COURT: It is immaterial. I could not tell what he was trying to bring out. It has no bearing upon this case.

MR. WELLMAN: That is why I objected.

THE COURT: I did not know what he wished to bring out.

BY MR. WELLMAN:

Q Just one more thing, after the assault on Katonah avenue on Anna Gorman, did you see two officers? A Yes.

Q They are not the officers that are here in this case? A No.

Q Did you give a description to them of the man? A Yes.

Q Did you later give a description to the two officers who are here in this case of Ross? A We wrote a letter over to the station house describing him in the letter.

BY MR. BURLANDO:

Q How did you locate the defendant? A The detectives located him.

BY THE COURT:

Q Did you ever give his name to anyone? A No, I did not know his name.

THE COURT: I asked you once when you next saw this

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defendant and you never answered that question, counsel interrupted and went on with another question -- when did you next see this defendant after that night?

THE WITNESS: The week after when he was brought in the magistrate's court.

BY THE COURT:

Q How many people were there? A In the court room?

Q Yes, in the court room? A Quite a number.

Q How many? A I should think about ten.

Q Men or women or policeman or what? A There was a few women there and my mother was with me.

Q Who else? A There were two other ladies and the rest were men, I think.

Q That is four women and six men? A Yes.

Q Were they police officers in uniform? A Well, some of them were.

Q How many were without uniforms? A I should say about four were without uniforms.

Q Were they old or young men? A I don't know now.

Q Was this the only boy there? A Yes, he was the only boy there.

Q So you had no difficulty in picking him out as the boy?

A No, he was not brought up to us to pick him out.

Q Where did you see him, that is what I am trying to find out? A When he first came up.

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Q I want you to state when you saw him next, under what circumstances, cannot you tell us -- you said he was not there yet - I asked you when you next saw him and who was present?

A It was in court.

Q You told me he was not there? A When he was brought up.

Q When did you next see him -- he was under arrest?

A Yes, in the court was the next time I saw him after that night.

Q You saw him led into court by officers in uniform?

A They were in plain clothes that day.

Q But you knew that he was not an officer? A I knew he was not an officer.

Q How did you identify him that day -- how well had you known him -- how do you know this is the boy who did these things? A That night that he attacked us he had a cap on and short coat and of course for the last two years we have been seeing him by sight.

Q You have seen the boy that attacked you frequently for two years? A Yes, sir.

Q You never knew what his name was? A No.

Q Never heard his name? A No.

Q When he was brought into court that day you knew that was the boy? A I knew it was the boy.

BY MR. BURLANDO:

Q You did not know he was a neighbor of yours? A I did

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not know -- he was never a neighbor of mine.

BY THE COURT

Q Yes or no? A No.

BY MR. BURLANDO:

Q How far did he live from you at the time of this alleged assault?

BY THE COURT:

Q Do you know? A No, I do not.

BY MR. BURLANDO:

Q Is it not a fact it is only a block away from your house?

THE COURT: She says she does not know.

THE WITNESS: I did not know where he lived.

BY THE COURT:

Q You do not know where he lives now? A I know he lives in 39th street, since he was arrested.

Q Now you know, but before that you did not know where he lived? A No.

WILLIAM J. MARION, called as a witness in behalf of the People, being duly sworn and examined testified as follows:

DIRECT EXAMINATION MR. WELLMAN:

Q Officer Marion, in April of 1911 were you in the Detective Bureau attached to the 79th Precinct? A I was.

Q Did you on the 2nd day of May arrest this defendant?

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A On the first of May.

Q Where was it you found him? A I found him in a building in the course of construction between 44th and 45th street on the west side of Fifth avenue.

Q He was working there on the building? A Yes.

Q When did you first start out on the case to look for him?

THE COURT: That is immaterial.

MR. WELLMAN: I withdraw it.

Q Just state the circumstances surrounding your arrest of him? A I met the defendant in the building as I described and I said is your name Alexander Ross. He said yes. I said -- do you want me to go on and state the conversation?

THE COURT: Yes, whatever you said to him and he said to you at that time.

A (Continuing) I said did you have any trouble with any girls the other night. He said no. I said a girl named Anna Gorman who lives in Woodlawn says that the other night on the 25th of April about ten o'clock while she was walking ^{at} 234th street and Katonah avenue, she said that you struck her several times with your fist about the body and knocked her down to the sidewalk and placed one hand under her clothes and touched her person. I said did you do that. He said yes.

MR. BURLEIGH: I would like to ask that all this be stricken from the record upon the ground that at the time

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this statement was made the defendant was not warned of his rights and it is not binding upon the defendant.

THE COURT: Objection overruled. Exception.

BY MR. WELLMAN:

Q Proceed. A I said what caused you to do that.

Same objection, ruling and exception.

THE COURT: Any admission he made at that time I will allow.

MR. BURLANDO: He was not warned of his rights. He was not notified.

THE COURT: It was not necessary to warn him at all.

MR. BURLANDO: I except.

THE COURT: Proceed.

THE WITNESS: He said I was with some other boys up at the candy store in 233rd street near White Plains avenue and he said we were talking about bad things and two girls passed and I followed them down through 233rd street and I met them at 234th street and Katonah avenue and I said what is the matter, did you forget yourself, and he said yes, I must have forgot what I was doing.

BY MR. WELLMAN:

Q Now, officer, when you arraigned the defendant in the magistrate's court?

THE COURT: I sustain the objection to any question as to what took place at any other time.

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MR. WELLMAN: I will lay my foundation according to law.

Q Was anything said to the defendant before he said anything, by the clerk who took the formal --

THE COURT: That is not the way to prove it. You will have to call the magistrate. I will not allow you to prove anything said in the magistrate's court. I have allowed you to go the limit.

MR. WELLMAN: Not even if I prove that he was warned?

THE COURT: No, this is only the testimony of a police officer. It may or may not be accurate. When a man is once placed under arrest, you have to prove him guilty. He may remain mute if he wishes. I will not allow any testimony as to what took place there. You may call the magistrate.

MR. WELLMAN: This was the clerk.

THE COURT: It is clearly illegal, because the clerk has no right to ask any question of him. No one but the magistrate has a right to ask him any question after he is arraigned in court, but the police officer can ask him a question before he arrests him. That is the distinction.

CRIMINAL EXAMINATION BY MR. BURLANDO:

Q Did you tell Mr. Rose at the time you spoke to him that you had a warrant in your possession for his arrest? A I did not have a warrant.

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BY THE COURT:

Q Did you tell him? A I told him I was an officer after we had this conversation.

Q Before or after he told you all this? A After.

THE COURT: Repeat the first question.

The question is repeated as follows: Did you tell Mr. Ross at the time you spoke to him that you had a warrant in your possession for his arrest?

BY THE COURT:

Q Yes or no? A No.

BY MR. BURLANDO:

Q Did you tell Mr. Ross it was your intention to arrest him? A Yes.

Q Before he made any statement? A No.

Q After he got all through telling you all this, then you arrested him? A I would not arrest him unless I was sure he was the man I wanted.

THE COURT: Do not make any explanation but just answer the question.

MR. BURLANDO: I move to strike that out.

THE COURT: Strike out the last part of the answer.

Q Have you investigated Ross at all since that time? A No, I did not.

BY MR. WELLMAN:

Q Was Officer Hibe with you when you made the arrest?

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A Yes.

BY MR. BURLANDO:

Q Was he with you all the time, always in a position to hear what was said at the time that conversation took place?

A In the building.

Q He could hear everything you have testified to? A Yes.

BY THE COURT:

Q As far as you know? A He was in a position. He was right alongside of me.

Q Did he join in the conversation or did you put all the questions? A I put all the questions.

MR. BURLANDO: I ask the Court to direct this witness to stay here until the other officer comes in.

MR. WELLMAN: He will remain.

J O H N G I B A, called as a witness in behalf of the people, duly sworn and examined, testified as follows:

(43rd Precinct.)

DIRECT EXAMINATION BY MR. WELLMAN:

Q In April of last year were you connected with the Detective Bureau of the 79th Precinct? A Yes.
together

Q Did you ~~go~~ with Officer Marion on the first day of May, 1911 arrest this defendant? A Yes.

Q Where was it you arrested him? A On Fifth avenue near 45th street.

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Q Go on and state the circumstances surrounding the arrest?

A Officer Marion and myself went to the building. We were informed that this defendant worked there and we went to the fourth or fifth floor where he was working and we asked him if he was Alexander Ross. He said he was. We asked him if he had any trouble with any girls a few nights ago. He said no. We told him that a girl by the name of Anna Gorman said that he threw her down, struck her several times and put his hand under her clothes.

Q Officer Marion told him this?

Objected to.

THE COURT: Mr. Wellman, you have no right to ask a leading question.

BY THE COURT:

Q Who said these things? A Detective Marion.

MR. WELLMAN: I beg your Honor's pardon.

BY MR. WELLMAN:

Q Go ahead? A He said he did -- he did strike her and put his hand under her clothes. We asked him what possessed him to do that. He said he was out with a crowd of boys on 223rd street and White Plains avenue and they were talking about different things and girls in particular and he said on his way home he thought he would do that -- he did not know why he done it.

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CROSS EXAMINATION BY MR. BURLANDO:

Q Who asked all those question?

THE COURT: He has answered that.

BY THE COURT:

Q Who asked the questions? A Officer Marion.

BY MR. BURLANDO:

Q You just stood by and listened? A Yes.

Q Did you have a warrant for him? A No.

Q How did you know that it was Alexander Ross you wanted?

A The girls told us his name. They found out two or three days after the alleged crime.

Q They told you where he was working? A No, told us his name. We made inquiries and found out where he worked.

Q Just tell us again what you say the young man stated in the presence of you and Officer Marion, as to what he did -- as to what he said he did? A Detective Marion asked him if he assaulted the girl and threw her to the ground and put his hand under her clothes and he said he did. Marion told him that the girl made that accusation.

Q Did he say that he did anything else? A No.

Q Did Detective Marion ask him anything else? A He asked him what prompted him to do that and he said he lost his head.

BY THE COURT:

Q What did he say, if anything? A He said he lost his

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head and he did not know what he was doing.

BY MR. BURLANDO:

Q Did he say he struck the girl? A He threw her to the ground.

Q Did he say he struck that girl? A No, he did not say that himself.

Q He did not say he struck her? A No.

Q Did he say this happened at Katonah avenue, or did he say it happened down below, down Webster avenue? A On Katonah avenue between 233rd and 234th street.

Q Are you familiar with Katonah avenue around 233rd?

A Slightly.

Q Do you know how wide 233rd street is at Katonah avenue?

A Well, it is an ordinary street.

Q 233rd? A May be a little wider than an ordinary street.

Q That is one of the leading thoroughfares up there, is it not? A Yes.

Q That is lit up with arc lights? A Well, yes, there are arc lights there.

Q And it is quite a busy thoroughfare? A Not at that time of the night.

Q What time of the night was it? A Between nine and ten.

Q How do you know that? A I have often been up that way at that hour.

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BY THE COURT:

Q How do you know that was the hour it happened? A Because the girls told us it was that hour.
BY MR. BURLANDO:

Q Is Katonah Avenue pretty well lighted up? A There are arc lights on it, yes.

THE PEOPLE REST.

A L E X A N D E R R O S S, the defendant, being called as a witness in his own behalf, duly sworn and examined, testified as follows:

(Residence 326 East 239th street)

DIRECT EXAMINATION BY MR. BURLANDO:

Q Do you know the complainant, Anna Gorman? A Yes.

Q Do you know Helen Casey? A Yes.

Q When did you first meet Anna Gorman and Helen Casey, if you know? A On that night I met them at White Plains road.

Q When did you first see them or meet them, not when you met them first on April 25th, but when did you first meet these girls? A About two years ago.

Q Where? A At 233rd street and Carpenter Avenue.

Q Did you ever speak with them two years ago? A Yes, sir, I was out with them that night.

Q Where did you go that night with them? A We walked down 233rd street to Webster Avenue and up Webster Avenue a few blocks, and then we left them there -- they walked across the street and they met a couple of fellows, other fellows over on the other side of the street.

Q Did you ever see them after that first meeting two years

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ago? A Yes, about two or three times every week after that.

Q You knew the two girls well? A Yes.

Q Do you recollect the night of April 25th, 1911? A Yes.

Q Where did you first see the girls that night? A White Plains road and 233rd street.

Q Where were you at that time? A I was sitting on the stoop with a few other fellows.

Q Where, whose stoop? A John Sutherland's stoop. He has a confectionery store up there.

Q Was it your custom to go there just about every night that you were allowed out? A Yes.

Q What time was it when you first saw these girls?

A About half past nine or quarter to ten.

Q Where were they? A They were coming down the road. They were just about passing the store, just as I was going to leave.

Q The same side, or opposite side of the street? A Opposite side.

Q That is, north side of 233rd street? A Yes.

Q You say about the time they left, or passed Sutherland's store, you started for home? A Yes.

Q What side of the street did you walk? A On the south side.

Q And you walked down the hill towards the station? A Yes.

Q Did the girls continue on the north side of 233rd street

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towards the station also? A Yes.

Q Now, did they precede you, or were you ahead of them?

A I walked a little faster than them, and I got down at the bottom of the hill ahead of them, and then I went into the Woodlawn station.

Q Crossed 233rd and went into Woodlawn station? A Yes.

Q How far behind you were the girls when you went into Woodlawn station? A About half a block.

Q How long were you in Woodlawn station, if you know?

A I went to the toilet and then came out, and was talking to the ticket agent for a little while. I knew the ticket agent quite well.

Q Was it your custom to do that about every night? A About every night I used to stop in there and see the time.

Q You knew the ticket agent well, and you stepped in there and talked to him? A Go in and see the time, and see how much time I have to be home in -- had to be home about 10 o'clock.

Q Always have to be in at 10 o'clock? A Yes.

Q After you came out of the station, where were those two young ladies? A Ahead of me.

Q How far ahead? A About three-quarters of a block.

Q They were about to Webster avenue? A Yes.

Q What did you do? A I went walking right on home up 233rd street.

Q Up what street? A Straight up 233rd street.

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Q How far up 233rd street did you go before the girls slack-
ed up and you reached them? A About 100 feet west of Webster
Avenue.

Q When they slacked up, and when you caught up to them,
what did you say to them and what did they say to you? A I said
hello to Anna Gorman and she said hello to me.

Q Was anything else said? A We were talking to her -- I
was talking -- we were talking together and they dared me to
kiss her.

Q Who dared you to kiss her? A Anna Gorman, and I went to
kiss her, and both of them ran away, and when they ran away I
started for home and did not see them any more that night at all.

Q How did you go home that night? A I went up -- I contin-
ued up 233rd street for about twenty-five feet more, and then
there is an avenue comes in there, Vireo Avenue, and so I went
along Vireo Avenue the way I go every night.

Q Is that the only way you can reach your house actually
on a direct line? A Yes.

Q In what direction must you go in order to reach your
house, in order to go up 233rd street and swing across Katonah
Avenue? A I have to walk along 233rd street, west of Webster
avenue, and then along that for about two blocks, and then there
is another avenue comes in there, and I have to turn up there
to that, and then go along there to my house, Martha Avenue, it
is called.

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Q In other words, if you went along and went home by Katonah Avenue you would have to go away around a corner, and then go all the way back and actually down about half a block, is that a fact? A Yes.

Q Instead, the only way you go home nights, coming from Williamsbridge, or Woodlawn station, is by cutting through that lot and going through up to your house? A Yes.

Q Sure about that? A Yes.

Q After the girls left you, when you tried to kiss them, did you see them any more that night? A No.

Q Positive about that? A Yes.

Q If any statement is made in this court that you saw them again at Katonah Avenue, would you say that is a fact? A It is not a fact.

Q You did not see them any more that night? A No.

Q Do you know whether those girls ran and got a policeman, or not? A I do not know.

Q Which direction did they go after you left them there?

A I could not say in which direction they went.

Q Did they follow you? A No, sir.

Q When did you know that a complaint was made against you for your action that night? A About a week after.

Q Where were you at that time? A I was working in a building in 45th street and 5th avenue.

Q What were you doing? A Plastering.

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Q How long have you been a plasterer? A About a year and three months.

Q Who were you working for? A Klee-Thomson Company.

Q Is your father also employed there? A Yes, sir, he is the foreman there.

Q How long has he been employed by that company? A About twenty years.

Q You were working at the same place as your father? A Yes.

Q What time of the day was it that you were informed of this complaint? A Between one and two o'clock, right after dinner time.

Q Who told you about it? A Well --

Q What happened on that day? A I was up on the scaffold and we were running some cornice on the ceiling, and I was up on the scaffold, and two men came in the door down below, and they called me down off the scaffold and asked me my name, and I told them my name was Alexander Ross, and they asked me if I knew Miss Gorman and Miss Casey, and I said yes. They started to ask me more questions, and then they said, you will have to come along with me, and I said all right. I did not know who the two men were. While we were walking down to the subway they started to ask me some questions, asked me a lot of questions, and I don't know what they were asking me. I can't remember what they asked me. I did not know who they were.

Q Have you any idea what answers you gave them? A No, I have not.

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Q You are sure you answered the questions after they told you to come along, that you were under arrest? A Yes.

Q You did answer questions? A Yes.

MR. BURLANDO: I move to strike out the testimony of those two officers as to the statement made by the defendant, on the ground he was under arrest, and not informed of his rights.

Motion denied. Exception.

BY MR. BURLANDO:

Q Do you remember the 25th of September, 1911, being on trial in Special Sessions? A Yes.

Q Charged with assault? A Yes.

Q On the complaint of Helen Casey? A Yes.

THE COURT: What has that to do with this complaint?

MR. BURLANDO: I would like to show that the whole subject matter of this case was brought out in Special Sessions, and tried, and he was acquitted.

THE COURT: You did not plead prior jeopardy. He was tried there, I suppose, for an assault on the Casey girl.

MR. BURLANDO: I know, but at that time she made all the statement she knew of the case. They both made all the statements. The papers were sent --

THE COURT: Nothing to do with this case at all. I sustain the objection to that testimony.

MR. BURLANDO: Will you permit me to ask the defendant

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whether or not in Special Sessions, the papers in General Sessions were brought and placed before the Special Sessions Judges?

THE COURT: How does he know?

MR. BURLANDO: Do you wish me to take the stand and prove that?

THE COURT: You could not prove it. To plead prior jeopardy, it must be the same complainant also, and the same crime charged. According to your own statement, it appears he was tried in Special Sessions on a charge made by the Casey girl. We have nothing to do with that.

MR. BURLANDO: But if your Honor please at that time both the Casey and the Gorman girl testified to everything that took place that night.

THE COURT: I have ruled upon it, and you make take an exception.

MR. WELLMAN: The counsel's statement is not in accordance with the facts.

THE COURT: Even if it were true, there is nothing in it, and I will so instruct the jury. They will take their instructions on the law from the Court.

BY MR. BURLANDO:

Q How old are you? A Nineteen.

Q Are you a graduate of the public schools? A No, I left about three grades before.

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Q When you left, what did you do? A Started as plumber's helper.

Q How long did you work as plumber's helper? A Worked two years for a plumber, and then he sent me to the country, and while there he raised my salary and when I came back to the city he took it down, and so I left him.

Q What did you do next? A Then I started as plasterer's helper.

Q With your father? A Yes, with my father.

Q And you were there until the time you have been arrested?

A Yes.

Q You have been there ever since. A Yes.

CROSS EXAMINATION:

Q You say you had known these two girls for two years?

A Yes.

Q Had seen them two or three times a week since you first met them two years ago? A Yes.

Q And you were out with them one night in 233rd street?

A Yes.

Q Just about the same place this thing happened? A No, about two blocks east of where it happened.

Q Just in that neighborhood? A Around that neighborhood.

Q You told them your name and they told you theirs?

A Yes.

Q So they knew your name? A Yes.

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Q Sure about that? A Yes.

Q They knew where you lived, A I don't know whether they knew where I lived or not.

Q Didn't you tell them where you lived? A I was out on my bicycle that night, and they saw me put my bicycle into the back yard.

Q Whereabouts, 239? A No, sir, I lived in 234th street then.

Q At the time this happened, you lived in 239? A Yes.

Q About four blocks from where they lived? A About that, yes.

Q They knew where you lived at that time, and knew your name, sure about that? A Yes.

Q You were not arrested until six days after this alleged assault? A Yes.

Q It was Monday, was it not? A Well, I don't know, I think it was Monday.

Q Away down here on 5th avenue and 45th street in this city? A Yes.

Q Had you been living at home up to that time? A Yes.

Q Right where these girls knew where you lived? A Yes.

Q Had you been on friendly terms with them for two years, called them by name, &c.? A Yes, saw them two or three times every week.

Q Always greeted them and said good evening? A Yes.

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Q You were sitting that night, the 25th of April, on Sutherland's stoop? A Yes.

Q No question about that -- with some boys? A Yes.

Q And presumably you were talking with those boys? A Yes.

Q There is no question about the truth of that? A No.

Q These girls went by, you saw them go by? A Yes.

Q You left the crowd of boys, no question of that, is there? A No, sir.

Q You did go by the girls and enter the station at Woodlawn? A Yes.

Q Then you went into the toilet? A Yes.

Q Then you came back and followed on up, caught up with them, although they were how far ahead? A About three-quarters of a block.

Q You did not stop very long and talk with the station agent, did you? A Well, not so very long.

Q Then you came up to these girls and they dared you to kiss them? A Yes.

Q Then they ran away? A Yes.

Q And that is the last you saw of them that night? A Yes.

Q Until you were arrested and brought into the Magistrate's Court charged with assault with intent to commit rape, you had not seen them at all or heard from them? A No, sir.

Q The officers who arrested you, had you ever seen them before? A No, sir.

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Q Never saw them in your life before they arrested you?

A No.

Q Never had any quarrel with them? A No, sir.

Q No reason why, that you know of, that they should come and say that you said something that you did not say? A No, sir.

Q Willie Koch never had a quarrel with him, did you? A No, he belonged to the same club I did.

Q He belonged to the same club that you did? A Yes.

Q Don't you remember anything that you said to these officers? A No, sir.

Q Do you remember their telling you what you were charged with by the girl, Annie German? A They did not say I was charged with anything.

Objected to as improper. Objection overruled.

Exception.

Q Sure about that? A Yes.

Q Although you remember that they questioned you in the subway, and you can't remember what answers you made, or questions they put to you, you are very sure they did not tell you what you were charged with? A Yes.

Q Did you ask them? A No, sir.

Q Just went along quietly with them? A Yes, sir.

Q Sure you did not tell them you were sitting at Sutherland's? Pretty sure of that? A Well, I don't know.

Q Talking with some boys, do you remember telling them

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that? A I am not sure.

Q Well, do you remember the officer saying that you were sitting at Sutherland's candy store talking about girls, when these girls went by, is that true? A I heard him say it.

Q Is it true you were talking about girls? A No.

Q Everything is true except that, that you were sitting at Sutherland's, and girls went by, and you were with a group of fellows, and left them? A Yes.

Q You did not tell the officer at any time that you did knock down Anna Gorman that night? A No.

Q And put your hand under her clothes? A No.

Q Positive about that? A Yes.

Q Do you remember in the Magistrate's Court being asked certain questions and answers being written down on a paper?

THE COURT: Was he represented by an attorney there -- by whom was he asked those questions?

MR. WELLMAN: I will ask him first if he was represented, shall I?

THE COURT: Yes.

BY MR. WELLMAN:

Q Were you represented by a lawyer when you were in the Magistrate's Court? A I was in the court, but my lawyer was out.

Q Didn't your lawyer, Mr. Burlando, go to court with you?

A He was not in court while I was there.

Q At no time? A After the Judge asked me some questions,

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then he come in.

Q He came in only after that? A Yes.

BY THE COURT:

Q Who asked you the questions, the Judge or the Clerk?

A I think it was the Judge.

Q Were you in one room and asked questions, and then did you come out and were you asked to sign a paper? A I don't know.

BY MR. WELLMAN:

Q Is that your signature?

MR. BURLANDO: I object; he was not represented by counsel.

THE COURT: I will not allow any evidence of what was stated there -- as I understand it, the Clerk asked him the questions.

MR. WELLMAN: May I interrogate the witness briefly in regard to the case in Special Sessions. I won't go into it deeply -- since counsel opened the door.

THE COURT: You may put your questions. I do not know what your questions are.

BY MR. WELLMAN:

Q Is it not a fact that what you were tried for in Special Sessions and acquitted of, was a charge made by Helen Casey that you had shoved Anna Gorman into her and had placed your hand on her person? A No, sir.

Q Was not that the charge? A I did not do that.

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Q I know, but was not that the charge? A Yes.

BY THE COURT:

Q He was tried on a charge made by Helen Casey? A Yes.

BY MR. WELLMAN:

Q Is it not a fact the only two witnesses called were Anna Gorman and Helen Casey? A Yes.

THE COURT: We have nothing to do with that.

MR. BURLANDO: That is conceded.

THE COURT: That is enough.

MR. WELLMAN: Counsel stated that the girls said they were telling all that happened that night, and I have read these minutes, and I want to state the contrary.

THE COURT: The jury will disregard that. They will try this case on the evidence produced here. We are not bound by what was done in the other court. If this were a case between the same parties, it would be a different matter and would be a proper matter for investigation, but it is not. It is between different parties, and that ends it.

BY MR. WELLMAN:

Q How much further home was it by way of Katonah Avenue than by the way you generally go? A It is from five to ten minutes walk out of the way.

Q Is it not just one block? A It is a good long block. You have to come back another half a block.

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RE-DIRECT EXAMINATION BY MR. BURLANDO:

Q To get to your own house? A Yes.

Q Have you ever been convicted before? A No, sir.

Q Have you been in court before the time you were brought here on this charge and brought to the Magistrate's Court? A No.

Q Have you been mixed up in any trouble? A No.

Q Of any nature? A No.

Q Do you go to church? A Yes.

Q And did you go to Sunday School? A Yes, I go to church three times a day, bible class in the morning, morning service and evening service.

Q What church is that? A Woodlawn Presbyterian Church. I sing in the choir.

Q Did you join the church? A I joined the church.

Q How long ago? A Three months.

Q Why didn't you join it sooner? A I was too young.

Q Did you ever keep company with a young lady?

THE COURT: What has that to do with this case?

MR. BURLANDO: I think that is the whole case, as to his morals.

Q (Question repeated)? A No.

BY MR. BURLANDO:

Q Are you keeping company with a young lady now? A Not exactly keeping company. I go down to her house.

Q And call on the young lady? A Go down to the girl's

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house every other Sunday. I don't go especially to see the girl, but the father and mother.

Q What is the name? A Miss Pirie.

THE COURT: You have gone far enough into that.

BY MR. BURLANDO:

Q On this night was Mr. Sutherland about when you were talking with these boys? A Yes.

Q Was he around? A He was right in the store.

Q Right there where you boys were? A Yes.

BY THE COURT:

Q You were on the stoop? A The door was open.

J O H N C. P I R I E, called as a witness in behalf of the defendant, being duly sworn and examined, testified as follows:

(Residence 574 East 141st street).

DIRECT EXAMINATION BY MR. BURLANDO:

Q Do you know the defendant, Alexander Ross? A Yes.

Q Do you know others who know the defendant? A Yes.

Q How long have you known the defendant? A Five to six years.

Q How often have you seen him during that time? A Well, the first part of the five years I called often, but the last two years I have not seen him very often.

Q Have you heard people discuss his moral character?

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A In a general way.

Q What is it, good or bad? A Good.

Q Does the defendant Alexander Ross call at your house or call upon one of your daughters?

Objected to as immaterial. Sustained.

(No cross-examination).

J O H N S U T H E R L A N D, called as a witness in behalf of the defendant, being duly sworn and examined, testified as follows:

(Residence 682 East 233rd street).

DIRECT EXAMINATION BY MR. BURLANDO:

Q What is your occupation? A I keep a general store, newsdealer, cigars, tobacco and candies.

Q Do you know the defendant, Alexander Ross? A I do.

Q How long have you known him? A About seven years.

Q Do you know others who know the defendant? A Yes.

Q Other people? A Yes.

Q Have you ever heard any of them discuss his moral character? A His character, as far as I know, has always been good.

MR. WELLMAN: I object, and ask to strike the answer out.

THE COURT: It is not responsive, but I will let it stand.

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BY THE COURT:

Q You never heard anything bad about him? A No, never.

BY MR. BURLANDO:

Q Did he frequent your store? A Yes.

Q How often?

THE COURT: That is entirely immaterial.

THE WITNESS: Pretty near every day or every night.

In the evenings he would come in with a lot of other boys.

BY MR. BURLANDO:

Q Did you listen to their conversation the several times they were in your store? A Conversation?

Q Did you hear what they were talking about?

THE COURT: Confine him to the night in question.

BY MR. BURLANDO:

Q Do you recollect the 25th of April, 1911? A Yes.

Q Did you see Alexander Ross in your store that night with other boys? A No, I can't recollect that he was in there that night.

Q Cannot recollect it, A No.

Q He was in a few nights every week? A Yes, most every night.

CROSS EXAMINATION BY MR. WELLMAN:

Q He is one of your steady customers? A Yes.

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M A R G A R E T W O O D, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 326 East 239th street).

DIRECT EXAMINATION BY MR. BURLANDO:

Q What is your occupation? A Dressmaker.

Q Do you know the defendant, Alexander Ross? A Yes.

Q Do you recollect the night of the 25th of April, 1911?

A Yes.

Q Where were you that night around nine or ten o'clock?

A I was in Mrs. Ross' house.

Q You were in Mrs. Ross' house? A Yes.

Q Was Alexander there? A He came in a little before ten o'clock.

Q What? A He came in a little before ten.

Q How do you know that? A Because I had some friends that were leaving to catch the ten o'clock car, and they were just going out as Alex came in.

Q You had some friends that were going to meet the ten o'clock car and got out a few minutes before ten? A They were going out as Alex came in.

Q They had to go to where, Webster Avenue? A Yes.

Q That is how many blocks away? A About six or seven blocks.

Q You are sure Alexander came in the house while your friends were still there? A Yes.

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Q Did he say anything to you when he came in? A Just hello there.

Q Did he appear in any way excited? A No.

Q How often had you seen him before that time? A I have lived in the house with them for two years.

Q Lived in the house with them for two years? A Yes.

Q You used to see what time he got in every night? A Yes.

Q Is he ever out after 10 o'clock at night, if you know?

A Very rarely.

Q When he would go out after ten --

THE COURT: That has nothing to do with this case, if he is out after 10 o'clock at night or not. It is no crime to be out after ten.

BY MR. BURLANDO:

Q You are positive on that night he was in before ten o'clock? A Yes, quite positive.

Q And did you look at him when he came in? A Yes.

Q Did he look flustered, or in any way out of the ordinary? A Not to my notice. I didn't notice anything.

Q You did not notice anything strange about him? A No.

Q The same as usual? A Yes, sir, the same as usual.

Q What did he do when he came in? A Went into the back kitchen and took a glass of milk or water, and then went upstairs to his room.

Q That was his usual custom? A Quite his usual custom.
(No cross-examination).

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A L E X A N D E R R O S S, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 239th street, Woodlawn Heights).

DIRECT EXAMINATION BY MR. BURLANDO:

Q You are the father of the defendant? A Yes.

Q Do you recollect the 25th of April, 1911? A Yes, sir, I do.

Q Were you at home that night? A No, not until about half past ten. I was out to a meeting that night, and got home around half past ten.

Q When you got home, was Alex home? A The whole family was in bed when I got home, and I was the last to come in.

Q What is the usual time Alex retired? A About ten o'clock he gets strict orders, he and his brother, every night when they go out, that is the orders, when they arise from the supper table, to go out, to be in the house at half past nine or ten o'clock at the latest.

MR. WELLMAN: The People will concede the defendant was home a few minutes before ten, if it will expedite matters.

BY MR. BURLANDO:

Q Alec is working under you now, A Yes.

Q As a helper -- what is he doing? A Learning the trade as an apprentice.

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Q An apprentice? A Yes, sir, indentured apprentice, bound apprentice.

Q Since he has been an apprentice, has he been regular in his work, going down daily? A He never missed a day until this case came up.

Q Never missed a day? A No.

Q Working daily now? A Not while he is here, but every other day -- never missed any time at all.

Q Did you ever hear of Alex getting mixed up with any girls or anybody, before this time? A No.

Q Have you ever had any trouble with him? A No, never had any trouble with any of my children at all.

CROSS EXAMINATION BY MR. WELLMAN:

Q How many children have you? A Four.

RE-DIRECT EXAMINATION:

Q What do they do?

Objected to. Sustained.

J A N E R O S S, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 326 East 239th street).

DIRECT EXAMINATION BY MR. BURLANDO:

Q You are the mother of Alexander Ross? A Yes.

Q Do you recollect the 25th of April, 1911? A Very well.

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Q Were you home on that night? A Well, I was out to a meeting and got home about quarter past ten that night.

Q Quarter past ten -- Alec was in bed then? A Alec and his brother were both in bed.

Q What time did Alec retire that night? A Well --

THE COURT: What is the use of going over that. I will exclude the question. I do not care anything about what time he retired. He said he was in bed that night at quarter past ten.

(No cross-examination).

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