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BENJAMIN EHRLICH
 Certified Shorthand Reporter,
 299 Broadway, N. Y. City.

CASE # 2653

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

THE PEOPLE OF THE STATE OF NEW YORK :

-against-

ALBERT JENSEN.

Indicted for Burglary in the second Degree, Grand Larceny
in the First Degree, and Receiving in the First
degree.

Indictment filed June 11th, 1919.

PROCEEDINGS BEFORE:

William A. Montross, Esq.,

Charles W. Stevens, M. D.,

Samuel T. Silverman, Esq.,

Commissioners.

BENJAMIN EHRLICH
Certified Shorthand Reporter
299 Broadway, N.Y. City.

CASE # 2653

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

----- On Indictment for
THE PEOPLE OF THE STATE OF NEW YORK : Burglary, 2nd Degree,
: Grand Larceny, 1st
-against- : Degree, and Receiving
: In First Degree.
ALBERT JENSEN. : Indictment filed
: June 11, 1919.

State of New York,)
City and County of New York,) SS:

WE, William A. Montross, Charles W. Stevens, M. D.,
and Samuel T. Silverman, duly appointed by an order of the
Honorable William H. Wadhams, Judge of the Court of General
Sessions of the peace, in and for the County of New York,
dated June 13th, 1919, a Commission to examine into the
mental condition of the above named Albert Jensen, and to
report whether he is in a state of idiocy, imbecility,
lunacy or insanity so as to be incapable of understanding
the proceeding or making a defense on the trial of the said
indictment, and also as to his sanity at the time of the
commission of the alleged crime, being duly sworn, each
says that he will faithfully and fairly determine the
questions which the said Commission was appointed to
examine into, and will make a just and true report thereon,
according to the best of his understanding.

sworn to before me this
23rd day of June, 1919.

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

THE PEOPLE OF THE STATE OF NEW YORK :
-against- :
ALBERT JENSEN. :

IN THE MATTER OF THE EXAMINATION INTO :
THE MENTAL CONDITION OF :
ALBERT JENSEN, :
An Alleged Lunatic. :

BEFORE:

Albert B. Hamlin, Esq.,
Charles W. Stevens, M. D.,
Samuel T. Silverman, Esq.,
Commissioners.

The Commissioners were appointed by an order of
the Honorable William E. Wadhams, Judge of the Court of
General Sessions of the Peace, New York County, filed in
the office of the Clerk of the Court of General Sessions
on the 16th day of Jun , 1919, a copy of which order is as
follows:

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AT A COURT OF GENERAL SESSIONS OF THE PEACE of the City
and County of New York, holden in and for the County
of New York, at the Building for Criminal Courts, in
the Borough of Manhattan of the said City, on Friday,
the 13th day of June, in the year of our Lord one thou-
sand nine hundred and nineteen.

PRESENT,

THE HONORABLE WILLIAM H. WADSWORTH,

Of the County of New York, Justice.

IN THE MATTER OF : On Indictment for Burglary in the
: Second Degree, etc.
ALBERT JENSEN, : Indictment filed June 11, 1919.
: AN ALLEGED LUNATIC.
: -----

It having been made to appear to me that Albert
Jensen, a person indicted by the Grand Jury of the County
of New York, for the Crime of Burglary in the Second Degree,
etc., is a person of unsound mind and wholly irresponsible,
in pursuance of the statute in such case made and provided,
it is

ORDERED that Albert B. Hamlin, Counsellor-at-Law,
Charles W. Stevens, M. D., and Samuel T. Silverman, Esquire,
all of the County of New York, be and they hereby are appointed
a Commission forthwith to examine into the mental condition
of the said Albert Jensen, and to report to this Court with
all convenient speed whether he is in a state of idiocy,

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imbecility, lunacy or insanity so as to be incapable of understanding the proceeding or making his defense on the trial of said indictment, and also as to his sanity at the time of the alleged crime.

Due notice of the time and place of executing this Commission to be given to the District Attorney of this County.

Enter.

W. H. W.

J. C. G. S.

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AFFIDAVIT-BURGLARY

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FIRST DIVISION, CITY MAGISTRATES' COURT, 7 DISTRICT.

CITY OF NEW YORK, COUNTY OF NEW YORK; SS:

MATHILDA DE RIVERA, of No. 45 Central Park, West, occupation House wife, being duly sworn, deposes and says, that the premises No. 45 Central Park, West, in the City and County aforesaid, the said being a six story brick building used for dwelling purposes and apartment on ground floor, north, and which was occupied by deponent as a dwelling and in which there were at the time human beings, deponent, her son, and another lady, were BURGLARIOUSLY entered by means of forcibly breaking through a frame in a window and entering into deponent's apartment with the intent to commit a crime on the 4th day of May, 1919, in the night time, and the following property feloniously taken, stolen, and carried away, viz.:

A fox fur piece and a clock, all of the value of ninety dollars (\$90.00/100) the property of deponent, and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by-----for the reasons following, to wit: That deponent securely locked and closed the door leading into her apartment and had a wood n frame fastened to her window at the hour of 11 o'clock P. M. on June 3rd, 1919, and that at the hour of 1.20 A. M. on June 4th, 1919, deponent was awakened and discovered that her apartment had been bur-

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gloriously entered and that the property mentioned had been feloniously taken, stolen and carried away.

Deponent further says that she is informed by John Boyne, of No. 62 West 44th Street (now here) who saw defendant at the hour of one o'clock A. M. on June 4, 1919, enter deponent's apartment through the window and saw defendant leave said apartment, and throw deponent's clock in the street, and then run away, and followed defendant and caused defendant's arrest.

Wherefore deponent charges defendant with the commission of said crime and prays that defendant be heard and dealt with as the law directs.

Sworn to before me this Mathilde de Rivera
4 day of June, 1919.

R. V. Frothingham,

City Magistrate.

Short affidavit of John Boyne, of No. 62 West 44th Street, occupation, Watchman, attached to complaint.

Statement of Defendant: Name, Albert Jensen, 30 years of age; Born in Denmark; No home; occupation, Hospital Attendant. "I am not guilty." 16 years in the United States. Arrived at the Port of New York under same name. Citizen.

Defendant held in \$1,000. Bail.

W. H. Weissager, Esq., Assigned as Counsel.

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INDICTMENT.

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

THE PEOPLE OF THE STATE OF NEW YORK :

-against- :

ALBERT JENSEN, :

Defendant. :

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuse the said defendant of the Crime of BURGLARY IN THE SECOND DEGREE, committed as follows:

The said defendant, lat of the Borough of Manhattan, of The City of New York, in the County of New York aforesaid, on the fourth day of June, in the year of our Lord one thousand nine hundred and nineteen, in the night time of the said day, at the Borough and County aforesaid, with force and arms, the dwelling house of one Mathilde DeRivera there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit, with intent the goods, chattels and personal property of the said Mathilde DeRivera in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace

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of the People of the State of New York and their dignity.

SECOND COUNT-

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said defendant of the Crime of GRAND LARCENY IN THE FIRST DEGREE, committed as follows:

The said defendant, late of the Borough and County aforesaid, on the day and in the year aforesaid, in the night time of the said day, at the Borough and County aforesaid, with force and arms, one fur piece of the value of \$75, of the goods, chattels and personal property of one May Bolger, one clock of the value of \$15, of the goods, chattels and personal property of one Mathilde DeRivera in the dwelling house of the said Mathilde DeRivera there situate, then and there being found, from the dwelling house aforesaid then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT-

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said defendant of the Crime of CRIMINALLY RECEIVING STOLEN PROPERTY IN THE FIRST DEGREE, committed as follows:

The said defendant, late of the Borough and County aforesaid, on the day and in the year aforesaid, at the Borough and County aforesaid, the same goods, chattels and

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personal property mentioned, described and set forth in the second count of this indictment, to which reference is hereby made, of the value mentioned and set forth therein, of the goods, chattels and personal property of one May Bolger and one Mathilde DeRivera, respectively, as set forth in the said second count of this indictment, by a certain person or persons to the Grand Jury aforesaid unknown then lately before feloniously stolen, taken and carried away from the said May Bolger and the said Mathilde DeRivera, respectively, unlawfully and unjustly did feloniously receive and have, the said defendant, then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

EDWARD SWANN,

District Attorney.

Witnesses:

John Bogne

Off. Michael McNamara, 25th Pct.

Mathilde DeRivera.

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found him erratic at times, but always faithful and honest,
and have never heard the slightest aspersion as to his

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c/o Tunnel Division, Public Service
Commission, 159 Remsen St., Brooklyn.

The District Attorney,

June 11th, 1919.

New York City.

Dear Sir: Case of Albert V. Jensen.

I desire respectfully to bring to your attention
certain facts relating to Albert V. Jensen, now under in-
dictment for burglary.

I was Major and formerly Captain in the 11th En-
gineers. Jensen was a private in my Company ("C") from the
time he enlisted, May 1917, until he was wounded, near Verdun,
on Nov. 1st, 1918. I was with "C" Co. from the time I joined
the Regiment until after Nov. 1st, 1918, and knew Jensen well,
as he served as my orderly or "striker" at various times. I
found him erratic at times, but always faithful and honest,
and have never heard the slightest aspersion as to his honesty.

Jensen was badly wounded in the head by a shell
fragment on Nov. 1st, 1918, and was taken to a base hospital,
and did not return to the Regiment. I saw him in New York on
April 30th last, at which time he told me he was working as an
Attendant at one of the New York Hospitals.

I have had his discharge record looked up at
Camp Upton, and have received the following certificate from
the Discharge Examining Board:-

"Office of Discharge Examining Board

412 - 10th St., Camp Upton, N. Y.

June 11th, 1919.

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"This is to certify that Private Albert V. Jensen was examined at this Board on March 18th, 1919, and found to have the following Disability: Gun shot wound right side of head over right eye, old Fracture of nose. He was given a ten per cent disability.

(Signed) W. F. Schmaltz

Lt. Col., M. C.

Chief Examining Officer."

Jensen's other records are filed under his Army number, 151062, at the Adjutant General's Office, Washington, D. C.

I believe it is my duty, in justice to Jensen, to bring these facts to your notice, as I believe that at times he is not entirely responsible for his actions.

Yours very truly,

C. D. Drew

(formerly Major, 11th Engineers)

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AT A COURT OF GENERAL SESSIONS of the City and County of New York, holden in and for the County of New York, at the Building for Criminal Courts in the Borough of Manhattan of the said City, on Wednesday, the 18th day of June, in the year of our Lord one thousand nine hundred and nineteen.

PRESENT,

THE HONORABLE WILLIAM H. WADHAMS,

Judge of the Court of General Sessions, Justice.

THE PEOPLE OF THE STATE OF NEW YORK : On Indictment for
: Burglary in the 2nd
: Degree, etc.
-against- :
ALBERT JENSEN. : Filed 11th day of
: June, 1919.
:-----

Whereas an order was duly made and entered on the 13th day of June, 1919, appointing Elbert B. Hamlin, Counsellor at Law, Charles W. Stevens, M. D., and Samyel T. Silverman, Esq., a Commission forthwith to examine into the mental condition of the said Albert Jensen, and to report to this Court with all convenient speed as to his sanity at the time of the commission of the alleged crime herein, and at the time of such examination;; and

Whereas, the said Elbert B. Hamlin, Counsellor at Law, is unable to serve as such Commissioner, now, therefore, it is

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O r d e r e d, that, William A. Montross, Counsellor at Law, be hereby appointed a member of said Commission in the place and stead of the said Elbert B. Hamlin, Counsellor at Law, forthwith to examine into the mental condition of the said Albert Jensen and to report to this Court with all convenient speed as to his sanity at the time of the commission of the alleged crime, and at the time of the examination, as by said order of June 13th, 1919, provided.

Enter?

W. H. W.

J. C. G. S.

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New York, June 23rd, 1919.

Pursuant to notice the three Commissioners met in the Sheriff's Room of the Criminal Courts' Building, in the Borough of Manhattan, City of New York, and executed the oath of office, which is duly filed in the office of the Clerk of the Court:

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

Hon. Edward Swann, District Attorney, For the People.

W. H. Weissager, Esq., Attorney for the Defendant.

On motion, William R. Montross, Esq., was selected to act as Chairman of the Commission.

On motion, Mr. Benjamin Ehrlich was selected to act as stenographer and clerk to the Commission.

The stenographer was directed to have the defendant present at the next session of the Commission, which would take place on Wednesday, June 25th, 1919, at four o'clock P. M., in the Sheriff's Room, of the Criminal Courts' Building, New York City.

The District Attorney and the counsel for the defendant state that they require no further notice.

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New York, June 25th, 1919.

The Commission met pursuant to adjournment.

Present: William R. Montross, Esq., Charles W. Stevens, M. D., and Samuel T. Silverman, Esq., Commissioners; and Albert Jensen, the defendant.

ALBERT JENSEN, the Defendant, called as a witness in his own behalf, testified as follows:
BY COMMISSIONER MONTROSS:

Q What is your full name? A Albert V. Jensen.

Q Where is your home? Where do you live? A Since I came back - I have been back a couple of months from France - I have been living at the Y. M. C. A., at 23rd Street.

Q Lived there for two months? A I was working for awhile. While I was working, I was living where I was working at.

Q Before that time you had been in France? A Yes, sir.

Q How long were you in France? A Two years.

Q What were you doing over there? A Fighting, sir.

Q Who were you fighting? A The enemy.

Q What? A The enemy, sir.

Q Who were they? A The Germans.

Q Well, who were you with over there? A I was with the 11th Engineers, Company C.

Q Where were you living on the 4th of May of this year?

A At the Metropolitan Hospital, Randall's Island. Childrens' Hospital, Randall's Island.

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Q You were in the hospital? A Yes, sir.

Q Were you working there? A Yes, sir.

Q On the 4th of May? A Yes, sir; Children's Hospital.

Q Were you there all day that day? A That was when I was arrested, wasn't it?

Q That was, what? A That was before I was arrested. I don't remember how long I was arrested. It was three or four weeks.

Q Where were you the day you were arrested? A The day I was arrested? A I was up in 16th street somewhere.

Q Were you working? A 60th Street, not 16th Street; somewhere around there.

Q Were you employed at the hospital at that time? A Yes, sir.

Q No did you happen to be in New York that day? A I went over to the town. If I wanted to buy anything I had to go to New York, and I went over to get some tablets, because I always get headaches - bad headaches - on account of a fractured skull.

Q Did you go to New York that morning? A Yes, sir; I was in New York.

Q The day you were arrested, did you go to New York?
A Yes, I came in the evening.

Q The evening of the day before? A No, that evening I got arrested after I came in.

Q What time were you arrested that day? A It was some-

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time in the evening, but I don't remember what time that was.

Q Was it before twelve o'clock? A Somewhere around twelve o'clock. I think so.

Q Where were you born? A Copenhagen, Denmark.

Q How old are you? A Thirty-one.

Q Is your father living? A Yes, sir.

Q Is your mother living? A Yes, sir.

Q How old are they? A My father is sixty and my mother is fifty-five.

Q Are they both well? A Both well; yes, sir.

Q Always have been fairly well? A Always has been well; yes, sir.

Q Are you usually pretty well? A I always have been well until I was taken sick over seven months ago. I got shot in the head.

Q Where was that? A I got a fracture of the skull, and I got a machine gun bullet in my eye, and a fracture of my nose, and ever since then I suffered with bad headaches.

Q How did that happen to you? A I got shot over in the lines when the Germans advanced and I went over.

Q Were you on the front line? A Yes, sir.

Q What were your duties in the service? A I was in the 11th Engineers.

Q Are you an engineer? A Yes, sir.

Q What particular work did you do as an engineer over there? A We were doing all kinds of work, sir. Some days

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we would be digging up a trench or building a railroad, and all different kinds of work. One day that and the next day something else, but it was most railroad. We had railroads in there so that we could move those guns, and we had to do that work at night. It couldn't be done in the day time.

Q Were you injured at night? A I was injured on the 1st of November, at six o'clock in the evening.

Q Six o'clock in the evening? A Five o'clock in the evening.

Q How often do you have these headaches? A Well, the headaches are always there, but sometimes it goes away, and sometimes it feels very bad on me, and then I have to get some headache powder, or something to relieve me.

Q They are bad enough so that you have to go to bed with them? A Not exactly, because I know that will do me no good. The doctor explained it over to me that it would take me about a year for the side (indicating) here to heal up, and he said it won't affect me any more.

Q How long were you in the hospital over there? A Five months in the base hospital 26.

Q Do you know the name of the doctor under whose care you were? A There were so many doctors. I can't tell the names, and they changed. They came there a week or two and go to some other place.

Q Do you know of any one who was connected with the base

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hospital that was there while you were there? A I don't remember that time. At that time I lost my memory. For two months I didn't know my own name.

Q Have you seen anybody over here that you saw over there in the hospital? A No, sir. When we came back we got transferred. Some of them belonged to different states and they all got sent away to different places.

Q Did you come strig-ht back here when you got out of the hospital? A I came straight back to Camp Upton, and I got discharged from there.

Q Did anybody come back with you from the hospital? A Not from my hospital, but many of them came back from other base hospitals.

Q But you met no friends over there who knew you at the time you were in the hospital and who are here now? A Yes, I knew many of them, but I don't remember their names now. Of course, there were so many big armies like that. There are hundreds and hundreds of men around all the time, especially at the time I wasn't in good condition, and my brains was very poor.

Q Now, tell us about this night that you were arrested; what happened? A I will tell you, sir. I remember that I went down on 59th Street, and I was going in the moving pictures, and I went in there and when I looked in there, and, on account of my bad eye-sight, I couldn't see the picture, and I went out. The light affected my eyes. So I

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had a bad headache. I suffered all day with a bad spell in my head. So I went to a drugstore and asked for some tablets and I got some tablets there, and then I walked out and the tablets didn't seem to do me any good. So I went to another drugstore and I got some more tablets, and I took them, and I went down to a lunch room and got a cup of coffee. I couldn't eat anything. I was too sick to eat anything, and there was a man in there and I talked to him, and he said, "You look bad," and I said "I don't feel good," and I told him my case, and he said "The best thing you can do before you go to sleep, go and get a good glass of brandy and you will be alright in the morning." So I did. I went in to the barroom and got a glass of brandy.

I remember I took one glass there, and from that on the next thing I remember was the next day when I woke up that morning I was in the station house, and everything from that part on was forgotten. I didn't know anything what happened. It is out entirely out of my memory.

I know that the day that they preferred charges against me they said that I had gone into that apartment house and tried to rob somebody, and I brought a clock, or anything like that. I don't remember anything about it. The only way I can think, possibly that I was taking too many tablets, or possibly the brandy took effect on me. I know that I have been told by the doctors that I should never trust anything to drink, because it would

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affect me immediately, but I know I didn't steal anything, and, furthermore, if I went in there to steal anything and the police caught me, I didn't have anything stolen on me and the way I looked in it, if a man goes into a house and breaks it - makes noise - I shouldn't think that man is going in there to steal. I think it looks more to me that way. I wasn't out of my head exactly, except if I have been taking too much medicine trying to clear my headachē. I certainly didn't think that that glass of brandy would affect me that badly. That was the first glass I had in about eight months, because while I was sick in the hospital I wasn't able to drink anything and never cared for anything when I was wounded. It may be that I took a glass to relieve my headache, because I had a bad headache that day.

Q Where was this place where you got this drink of brandy? A Well, I can't exactly tell. The place is somewhere around 59th Street. Somewhere down there.

Q Do you know near what avenue it was? A I think it would be around Sixth. Pretty close to Broadway somewhere.

Q How did you happen to be in that neighborhood? A Sir?

Q How did you happen to be in that particular neighborhood? A I know I came over in the car to get air, and I went to a moving picture there to pass the time. I would take a trip around.

Q What car were you on? A I can't exactly tell, sir.

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Q Where did you get on the car? A I don't recall.
A hundred and twenty-fifth Street, I think it was.

Q How did you get to a hundred and twenty-fifth street?
A The first trip I took on the car, sir, was from Fifty-ninth Street, and I took a trip all the way downtown as far as it could go, and I came back again and rode up. I remember I took two trips. At a hundred and twenty-fifth street there is a Y. M. C. A. I remember I stopped in the Y. M. C. A. and looked inside if they were showing anything in there.

Q Where was that? A At the Y. M. C. A. at a hundred and twenty-fifth street.

Q Then you got on the car and went down as far as the car would go? A No; then I went down to Fifty-ninth Street and that is where I got off - Fifty-ninth Street.

Q And when had you taken this other trip before you went to the Y. M. C. A.? A I was to the Y. M. C. A. first, and then I took the car way down and got off at Fifty-ninth Street.

Q Where did you go when you went all the way down to the lower end of New York? A As far as it could go.

Q Bowling Green? A Yes, sir.

Q And when you went back, you got off at Fifty-ninth Street? A Fifty-ninth Street; yes, sir.

Q Where is this hospital that you were working at? A
The first one I was working --

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Q No; where you were working this day when you came to New York, the day you were arrested; where were you working then? A I got that name --

Q Was it on an island? A Yes, on an island. It is next to Ward's Island, off a little.

Q Next to what? A Ward's Island.

Q Above Ward's Island? A Yes; sir; about Ward's Island. There is a big place over there where they keep prisoners - children - young boys from eighteen to twenty-one. It is called Randall's Island.

Q That is where you came from that day? A Yes, sir.

Q How did you get over from Randall's Island to New York? A Bad pardon?

Q How did you get over from Randall's Island to New York? A There is a little boat going every half an hour.

Q How long does it take to cross? A It takes about ten minutes, sir.

Q Now, when you got off at Fifty-ninth Street, did you have any friends up in that neighborhood? A No, sir. Before I went to the war I knew lots of people in New York and when I came back didn't know anybody. Everything was strange. The friends I went away with were in France, and some of them got killed and some of them didn't come back. I was in New York for five years and before that I was in Baltimore for ten years.

Q What time did you go in the movies that night? A

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I think it was about eight o'clock, sir.

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

Q What time was it when you were down at the lower end of New York about, you think? A Well, it must have been about half-past seven; something like that.

Q What did you have to do over at Randall's Island? A I used to guard the patients.

Q .Pretty easy, was it, over there? A It was easy, except sometimes you get bad cases - violent cases - and they start to fight, or something like that, and get in trouble and you have to hold them down.

Q Did you have any trouble in getting away from them if you wanted to? A No, sir; every night.

Q How did you get away? Did you have to ask leave? A No, sir; I used to go down to the boat and ride over and come back.

Q Did you live on the Island? A Yes, sir.

Q What time did you leave there that day? A We could leave at six o'clock, and sometimes you can get up a little before if there were three or four others, but the children are not supposed to know that.

Q But you are supposed to work up until six o'clock?

A Yes, sir.

Q Anybody go with you the day you went over? A No, sir.

Q You went all alone? A Yes, s r.

Q What time did you get out of the movies that night?

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A Gentlemen, I didn't see one show finished. I wasn't there very long; maybe five or six or seven minutes; something like that.

Q Where is the drugstore where you got these tablets?

A It was a little long way. I walked a couple of blocks down.

Q From where? A I don't exactly know the name of the streets. It was a little below Broadway; from Fifty-ninth Street.

Q When did you come to this country first? A About fifteen years ago.

Q Did you live in New York? A Yes, sir; I did five years in the United States Revenue Cutters' Service, called the United States Coast Guard.

Q Did you live in New York for five years after you first came here? A No, sir; I lived ten years in Baltimore, and then I came and lived in New York for five years.

Q Up to what time? When did you leave New York? A Five years. I would have to take two years away from France. I was two years in France.

Q Now, let me make myself clear. You lived in Baltimore for ten years after you first came to this country? A Yes, sir.

Q Then you came to New York? A Yes, sir.

Q When was that? A About five years ago.

Q That would be 1914? A Yes, sir; somewhere around that

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Q Before the war started? A Yes, sir.

Q How long were you here? A In New York?

Q Yes? A About five years. Three years. Two years I was in France. I can't call that New York, but I was in the city three years.

Q But you actually lived in New York city three years?

A Yes, sir.

Q That is, from 1914 to 1917? A Yes, sir.

Q Where did you live in New York? A Well, I worked about a year in the U. S. Marine Hospital, Staten Island. I was there about a year, and then I worked for about a year in St. Luke's Hospital, New York, and then I was for a short while at Randall's Island; not very long, and I was, I think, about five or six months at Roosevelt Hospital.

Q Work anywhere else? A Yes, I worked about a month. That is now?

Q No, before you went to France? A There is a Jewish hospital uptown. I don't remember the name, at 120th Street. Not quite up 120th street, but somewhere around there. I was there two or three months.

Q Did you ever work anywhere else except in a hospital?

A Not while in New York.

Q Did you always live at the hospital? A Yes, sir; always got room.

Q You never lived anywhere else except in a hospital in New York? A No, sir. Oh, yes; once. Once while I was

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working at St. Lukes Hospital, if we went to room outside they allowed us so much a month, and I took a room up in 123rd Street. I remember I lived there about four or five months.

Q Where is St. Lukes Hospital? A Uptown; up in - I think 106th or 107th Street, one block from Broadway.

Q Where did you land when you came over from Randall's Island? Where does the boat land? A 125th Street.

Q From Randall's Island to 125th Street? A Yes, sir.

Q Are you pretty well acquainted with New York City? A Oh, yes; I know New York city very well.

Q Get around very well in New York? A Oh, yes.

Q Do you know where the Public Library is in New York?

A It is on Forty-fifth Street.

Q What avenue? A And Fifth Avenue.

Q Near Forty-fifth Street? A Yes, sir.

Q Or Forty-second Street? A Forty-second Street; yes, sir. Forty-second Street.

Q Is it on the west or east side of Fifth Avenue? As you are going up Fifth Avenue, is that on your right or left hand side going up Fifth Avenue? A It is on the west side.

Q Where is the Grand Central Station? A It is downtown. I think it is somewhere around Fortieth Street. I don't know exactly.

Q Is that on your right hand side going up Fifth Avenue

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oron your left? A On the left, sir.

Q Do you know where Columbus Circle is in New York?

A Fifty-ninth Street and Broadway.

Q This moving picture that you went to, is it near Columbus Circle? A It is right next to it.

Q Just where in -- A On Fifty-ninth Street. Fifty-ninth Street is right there. When you go up Broadway and meet Fifty-ninth Street, you see the circle like, like a space.

Q On the left hand side as you go up Broadway; is that right? A Yes, sir.

Q And on the other side of the circle; is that right? A Yes, sir.

Q You don't know the name of the moving picture house? A No, sir; I do not.

Q Now, where was the drugstore that you first went to? A It was one block up, but it may be a little more. I think it must be Twenty-third Street, sir, I think.

Q Well, you say you were at a moving picture show at Fifty-ninth Street? A Fifty-ninth Street; yes, sir.

Q But you went from there to a drugstore? A Yes, sir.

Q Where was the drugstore? A A block or two down from Fifty-ninth Street.

Q Downtown? A Yes, sir.

Q On what avenue? A I think it is Eighth Avenue.

Q What avenue? A Eighth Avenue.

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Q On the west or east side of Eighth Avenue? A West side, sir.

Q About what time was it that you went to the drugstore?

A A little after eight o'clock. It may have been half-past eight, or somewhere around that.

Q What time was it when you were arrested? A I don't know exactly. It was sometime in the night. I don't know exactly the time.

Q Where was this house where this crime is alleged to have been committed? A As far as I remember, they told me - the policeman up there told me the next day it was in Sixty-sixth Street, as far as I remember.

Q Where was the saloon when you got this drink of brandy? A I don't exactly remember. It was somewhere around Fifty-third Street, or around that way; I know that.

Q How many drinks did you have in there? A I had one. One brandy.

Q How much did you pay for it? A Twenty-five cents.

Q Anybody drink with you? A No, sir. I didn't know anybody there.

Q Did you see anybody you knew at all after you came to New York that day? A No, sir.

Q How many people lived in this house where this crime was committed? A I don't know, sir. To tell the truth, I think I walked. I came there and felt bad, and I don't know how it happened, but he claims I broke a clock. The watch-

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man there said that I broke down a clock, and then in court I asked him if he remembered that I did it, and he didn't say anything to me, and I couldn't get anything out of him. I told him - I said that I didn't know I was in his house, or that I went in there to steal or take anything, and I told the Judge of that court if my intention was to steal anything, I wouldn't go in there to break clocks and thinks like they claim I done.

Q Was anybody home there when you were there? A Home?

Q Was there anybody there when you went in? A To tell the truth, your Honor, I don't remember being there. I don't remember anything about it. I remember --

Q Well, never mind. What salary did you get over at Randall's Island? A Thirty dollars.

Q For how long? A A month.

Q And how long were you there? A Pretty near a month, I think.

Q How often were you paid? A By the month.

Q Had you been paid for any of your work there? A Sir?

Q Had you been paid for any of your work there? A Yes, sir.

Q You say, you have been there nearly a month and you were paid thirty dollars a month and paid by the month? A Sir?

Q Do they pay at the end of the month's service? A When you have been a month you can draw on account; half

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month you can draw.

Q You had drawn some money? A Yes, sir.

Q Did you draw some money the day you came to New York?

A No, sir.

Q How much money did you have with you that day? A I had about fourteen dollars.

Q How much did you have when you were arrested? A The next day I woke up I had a dollar and a half.

Q What had you done after you came to New York besides going to a moving picture place and taking a drink - a glass of whiskey? A I took a couple of trips on the car, trying to get some air to clear my headaches a little.

Q That was before you went to the movies? A Yes, sir.

Q Have anything to eat during that time? A No, sir. I remember I went into a restaurant and got a cup of coffee and I couldn't eat anything because I wasn't well.

Q Where did you go to get the coffee? A I don't know exactly. Somewhere around there.

Q How often did you come to New York while you were at Randall's Island? A Beg Pardon?

Q How often did you come to New York while you were at Randall's Island? A That was my first trip ever.

Q First time over? A Yes, sir.

Q When you were in St. Lukes Hospital, did you go around town more or less? A Yes, sir; I went around every night. Yes, sir.

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Q Downtown? A Yes, sir.

Q Where did you usually go? A Usually went up to 125th Street.

Q Are you married? A No, sir.

Q Never been married? A No, sir.

Q Any relatives in this country? A I got a brother living in Baltimore, Maryland.

Q Do you know his address? A I lost his address, and since I have been away in France he moved, and he wrote to me over there when I got wounded on the last day, and the only way I can find out is to write to my father and mother in Denmark, and have it forward it to me.

Q What is your brother's full name? A Einar Hugo Jensen.

Q What is your father's name? A P. Ely Jensen.

Q And your mother's name? A Victoria.

Q Where do they live? A Copenhagen, Denmark.

Q What street number? A The address I sent is Copenhagen.

Q Is that the only address you give? A Yes, sir.

Q Have you any other brothers? A No, sir; I have three sisters.

Q Where do they live? A In Copenhagen, Denmark.

Q Are they all the brothers and sisters you ever had? A Yes, sir.

Q And they are all well? A Sir?

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Q All in good health? A All in good health; yes, sir.

Q Now, where was this apartment where you went that night? Was it on the ground floor or further up in the building? A I have been thinking and tried to get at it, but I can't get it into my head how it happened to me, and I know that I had not been drinking anything that I would be in a condition to be drunk except like the doctor told me that I may possibly have taken too much drugs, but I can't recollect what happened, and after I came back from the base hospital, a thing like that didn't happen to me before. I know I was short of memory. I wasn't as bright as I used to be, but he claims that I might possibly have a plate put on my skull, because the head is bent in a little, and if I want that done I can report at any time to the army hospital.

Q How did you happen to be in this military service in France? A How it happened, sir?

Q Yes? A I don't understand you, sir.

Q How did you happen to go to France? A I enlisted the day that war was declared and we went to Fort Totten for training, and then they sent us over.

Q Do you remember what date that was when you enlisted? A No, sir; I don't remember exactly.

Q Where did you get your experience to enter the service that you were in there? A I had five years in the U. S. Coast Guard, in Baltimore. I spent five years there;

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enlisted.

Q Before you came to New York? A Before the war. About four or five years before the war broke out, after I was already discharged from there.

Q Did you do the same sort of work over there in France?

A No; that was different work, because the U. S. Coast Guard is most on board naval vessels, and in France it was different altogether. It was engineering work.

Q That is what I want to know. How did you get the experience to do engineering work in France? A Your Honor, engineering work is all kinds of work. We may have to dig trenches, and things like that, and help to fix up railroads and they learn you. It isn't like making railroads here. You secure these things together. It isn't first class work, or special training or experience to it. When you do it once or twice you can do it. It is hurry-up work.

Q What was your work in St. Luke's Hospital? A Hospital attendant.

Q What sort of patients were under your care? A I had a private floor; all the private cases.

Q People that were physically ill or mentally ill? A Physical.

Q Physically? A Yes, sir.

Q Is that true of the other hospitals that you worked in? A Beg pardon?

Q Is that true of the other hospitals that you worked

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in? A True?

Q That patients were ill of bodily disease? A Yes, sir.

Q Not mental troubles? A No.

Q Did you see any of the patients in any of these hospitals that had mental troubles? A That had mental troubles? Yes, sir; I seen them over in Ward's Island.

Q You didn't have anything to do with those patients?

A Beg pardon?

Q You didn't have anything to do with those patients?

A Oh, yes, sir.

Q You did? A Yes, sir; I attended to those patients.

Q When was that? A A month and a half ago. I spent a month over in Ward's Island.

Q Have you ever been ill to amount to anything, except this trouble with your head? A A No, sir; I have been been sick in my life, until I got sick. That was the first time I got sick.

Q Do you know anybody that was in the service with you that is over in this country now? A Yes, sir. Many of them came back. But their right addresses I don't know, but if I want to get into communication, I may be able to write to the Eleventh Engineers Society, number 1 Madison Avenue. They got the addresses.

Q Do you know of any one here now who was acquainted with the fact that you were injured in France? A That I was wounded in France?

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Q Yes; do you know any one here now that knew you were wounded? A Yes, sir; Major Drew.

Q Where can he be found? A At No. 1 Madison Avenue, Eleventh Engineers Society.

Q When did you see him last? A He was up here about three weeks ago.

Q Up where? A Up in the prison here where I was.

Q You saw him in the prison? A Yes, sir.

Q Did you send for him? A I wrote down to the Engineers Society - the Eleventh Engineers Society - about what happened to me, and two days after he came down to see me.

Q Did you see him in France? A I was two years with him steady in France.

Q Under his orders? A Yes, sir; he was a captain over there for two years.

Q Now, is there anybody else who was over there at that time who is here now? A There are many of them, but to tell the truth their names I can't get, because I used to know them all, but I haven't got a good memory. I am not as I used to be.

Q When you wrote to the Engineer's Department, did you ask to have Major Drew come down to see you? A No, sir; only wrote and told them, the Society, about what happened to me.

Q Do you know anybody living in New York now who used to

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be a friend of yours when you lived here before? A There is one man who works down on Bradstore, down on 25th Street, right across from Bellevue Hospital. I know him a couple of years.

Q Well, now, when you got over to New York from Randall's Island that day, what car did you get on first? Where did you go? A I walked up. I think it was three blocks up, and then I took a car and went down.

Q Three blocks up where? A Up Third Avenue.

Q You walked up Third Avenue? A Yes, sir.

Q Then you took a Third Avenue car? A Yes, the car went down.

Q Where did you go from there? A I went all the way downtown on the car; all the way down to the end.

Q Did you get off the car? A No, sir. Yes, sir; I got off down there. I stepped off and took another one back.

Q What car did you take back? A It brought me further uptown. On the Broadway side. When I went down I was on the Third Avenue side, and when I came back I was up toward Broadway and Fifty-ninth Street and I got off somewhere around there.

Q How do the avenues run in New York? A How do they run, sir?

Q How do the avenues run? Do the avenues run east or west, or north or south? A North and south, sir.

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Q What is the main street in New York that runs directly up to Fifty-ninth Street? A Broadway.

Q What is the avenue on the west of Broadway? A Seventh avenue.

Q Whereabouts? What have you in mind now? What point at Seventh Avenue is west of Broadway? A Seventh Avenue, I think, runs quite a way down, and then Eighth Avenue runs all the way down.

Q Was it an Eighth Avenue car you took when you went uptown from the Battery? A No, sir; I think it was Ninth Avenue.

Q And where did you get off? A Where I got off? I got off a couple of blocks before you get to Fifty-ninth Street. I remember I walked a couple of blocks up.

Q What time did you have your lunch over at the Island that day before you left? A Half-past four or five o'clock.

Q Lunch? A I mean supper.

Q You had supper before you left? A Yes, sir.

Q Are you in the habit of drinking very much? A No, sir. I used to drink before I was in the hospital, but after I got wounded I was taken sick, and then I didn't have anything to drink for eight months, and that was the first drink I had, that glass of brandy that night. That was the first I had in eight months, because I was too sick to drink anything, and I have been warned by the doctors never to touch anything. He told me not to drink for anything

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until this would get healed up. He said it would take me a year or two before it would heal up.

Q What effect did he say it would have on you? A He said if I started to drink anything, I wouldn't know what I was doing.

Q When you went into the drugstore, what kind of tablets did you ask for? A I didn't ask for any special kind. I remember in the one drugstore I got what you call phenacetin.

Q How many did you get? A I took four.

Q Did you take them all? A I took them all.

Q Where, in the drugstore? A I took them out.

Q Outside of the drugstore? A Yes, sir.

Q Did you take anything with them? A No; they were small round tablets.

Q You didn't drink anything? A Yes, sir; I did. I got a cup of coffee in the lunch room.

Q Where was that? A Some place up there, around that place. I can't exactly tell correctly.

Q Now, what did you ask for when you got the second lot of tablets? A Oh, yes; I asked if he could give me some tablets for a bad headache.

Q What did he give you? A I don't remember what kind. He didn't tell me, and they are all made the same way. They are all made the same way. These different tablets, you can't always tell.

Q How much did you pay for the tablets? A Well, in the

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first place, I remember I paid ten cents. Ten cents. The second place I paid - but I can't exactly say how much it was. I remember I got a little change.

Q Have you any idea what became of the money you had in your pocket? A No, sir; no, sir.

Q Nobody borrowed it off you? A No, sir. I think I pulled my things off and dropped it. I don't think it was taken.

Q Did you have it in your outside pocket? A I had it in my pocket here (indicating).

Q Coat pocket? A Yes, sir.

Q A roll of bills? A Yes, sir.

Q How long before that day were you paid? A I don't exactly remember, sir.

Q How much did they pay you at the time you were paid?
A I think the last I got was - I think it was about nine dollars.

BY COMMISSIONER STEVENS:

Q You were born in Copenhagen? A Yes, sir.

Q Now, before we go any further, you understand what we are here for? A Yes, sir.

Q You understand why this Commission is sitting? A No, sir. It is a trial.

Q What kind of a trial is it? A A trial for what I was accused.

Q We are not here for that. I think you ought to under-

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stand that before we go further. The Court decided that your mental condition at the time that this supposed crime was committed was not what it should be. A Yes, sir.

Q And we are here to find out something about your mental condition. A Yes, sir.

Q What we are here for is to help you. A Yes, sir.

Q We are not trying your case at all. A No, sir.

Q We have nothing to do with that, whether you are guilty or innocent. We are trying to find out all we can to help you. A Yes, sir.

Q So that it is to your advantage to tell us everything that you know and can tell us. A Yes, sir.

Q But we are not trying your case. A No, sir.

Q We are not trying your case at all. A Yes, sir.

Q I think you ought to know that. Now, you say, you were born in Copenhagen? A Copenhagen, Denmark.

Q Did you go to school there? A Yes, sir.

Q What school did you go to? A Private school; Melchor School.

Q How long were you in that school? A About eight years.

Q How old were you when you left it? A Fifteen years.

Q Fifteen years old? A Yes, sir.

Q Now, did you do well in school? A Yes, sir.

Q Always got along well with your lessons? A Yes, sir.

Q How did you stand in your class? A Stand very good.

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Q Very good? A Yes, sir.

Q Near the top? A Beg Pardon?

Q Near the top? A Yes, sir.

Q You were a good scholar? A Well, I wasn't the very best, but I got along fairly well in school.

Q Did you ever get into any trouble in school? A No, sir; as far as I can remember.

Q Never was punished severely for anything you did? A No, sir. Punished a couple of times for being late in the morning.

Q Never got into any mischief? A No, sir.

Q You were regular in going to school? A Yes, sir.

Q Never got into any trouble of any kind? A No, sir.

Q Then you were fifteen years old when you left school?

A Yes, sir.

Q Have you been sick during that time? Did you ever have any children's sicknesses that you know of? A I had children's sicknesses.

Q Do you remember anything about them? A Yes; I remember when I was about fourteen years old. I had pneumonia.

Q Did you get over it? A Yes, sir.

Q Completely? A Yes, sir.

Q No trouble left? A No, sir.

Q And then you left school at fifteen, you said? A And when I was fifteen years old I had scarlet fever.

Q Now, when you left school, what did you do? A I went

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and worked for my father.

Q What is your father's business? A He is a doctor.

Q A doctor? A Yes, sir.

Q A regular physician? A Yes, sir.

Q What did you do in his office? A He broke me into clerical work.

Q Did you study medicine at all? A I didn't study. I studied and went and trained in nursery work, but I didn't study medicine itself.

Q In other words, you prepared yourself to be a nurse?
A Yes, sir.

Q Did you do any work of that kind over in Denmark? A No, sir; I didn't. I came to the states here and I learned here.

Q How long did you work for your father? A I worked with my father until I was eighteen years old.

Q What did you do then? A Then I went to the states.

Q Why did you come to the states? A I made up my mind that I had a better chance to work myself up.

Q Did you have any trouble with your father? A No, sir; never had.

Q Always on friendly terms with him? A Yes, sir.

Q Ever have any trouble with your brothers or sisters?

A No, sir.

Q Did your brother go with you, or did he come later? A My brother came about five years later.

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Q You simply came over here because you thought you could do better, is that it? A Yes, sir.

Q And when you first came to New York, what was the first work that you did? A I got a job on board an English steamer, and I stood there one month.

Q What were you doing there? A Working; helping to serve.

Q You mean a passenger steamer? A Yes, a passenger steamer.

Q Where did it sail to? A Port Antonio.

Q Where is that? A West Indies.

Q You were a steward, is that what you mean? A You call it steward on board a boat. It is a waiter. You wait on the tables.

Q You were with them a month? A A month; yes, sir.

Q How many trips did you make? A Made one trip.

Q Who was the captain of the steamer? A I don't know his name.

Q Who was the man over you? A Over me?

Q Yes? A The steward.

Q What was his name? A I don't remember his name.

Q You don't remember his name? A No, sir.

Q Do you remember the name of the ship? A No, sir; I don't remember the name.

Q Do you remember the name of the line that the ship belonged to? A Yes, sir; it belonged to - I don't think

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I know it. It is a boat sailing over to West Indies.

Q From where; from New York? A From New York; yes, sir.

Q But you don't remember who was the head steward? A No, sir.

Q Who hired you? A No, sir; this is about fifteen years ago.

Q Who hired you for that job? Was that the head steward? A Yes, sir; this is the head steward.

Q Did you know him, or did you go to the boat and get the job, or did you go to some employment agency? A No, I went on the boat.

Q You don't remember any one connected with that boat? A No, sir.

Q Didn't make any friends there? A No, sir; I made only one trip.

Q When you came back to New York, what did you do? A I went and enlisted in the United States Revenue Cutter's House. It is called the United States Coast Guard now.

Q Were in New York? A I went to Baltimore.

Q How did you go to Baltimore? Did you go down there to enlist? A Yes, sir.

Q And you were there how long; five years in that service? A Five years.

Q Then when you came back to New York, what did you do?

A When I came back?

Q You came back from Baltimore to New York? A After

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I had been there five years.

Q Yes, after you had been there five years? A Then I went to the hospital.

Q What was the first hospital you worked in? A St. Lukes Hospital.

Q How long ago is that; ten years ago? A No, sir; about five years.

Q Who was the superintendent there at that time? A I don't know his name, sir. I did most night work and very seldom I saw them. There was a female nurse in charge.

Q What is her name? A I don't remember the name.

Q Did they call you an orderly? A Yes, sir.

Q What were the names of some of the other orderlies that were with you there? A I don't know.

Q Didn't you know anybody in the place? A Yes, I knew some of them.

Q Did you ever see any of them since then? A No, sir.

Q You say you lived outside? You didn't live in the hospital? A No, I didn't live inside.

Q Where did you live? A 123rd Street.

Q What number? A Number 116.

Q Number 116 West or East? A West.

Q What was it, a boarding house? A Yes, sir.

Q Who kept it? A Some woman over there.

Q What was her name? A Mariette. That is the name of the house.

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Q Was it a hotel or a boarding house? A It is a boarding house.

Q Did they have the whole house? A No; she had one flat.

Q Her name was Mariette? A No; that is the name of the house.

Q Did any of the other orderlies live there with you? A Yes, sir; one of them lived there.

Q What was his name? A I don't know. He worked night work all the time. very seldom I saw him.

Q I thought you said you did night work? A I beg pardon?

Q I thought you said you were on night work? A I did night work all the time.

Q Didn't you see this other man? A I had to report at the hospital and he would be leaving, and he worked up on a different floor from mine, and very seldom I had a chance to see him. I wasn't acquainted with him at that.

Q You don't remember this head nurse's name? A No, sir.

Q or superintendent? A No, sir.

Q Now, what year was that, about 1914? A About 1914; yes, sir.

Q How long did you work there? A I worked there about nine or ten months; something like that.

Q Now, what hospital did you go to after you left St. Lukes? A Roosevelts.

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Q What did you do there; the same kind of work? A
Yes, sir.

Q Hospital attendant? A Yes, sir.

Q Orderly? A Yes, sir.

Q In the wards? A Yes, sir.

Q Who was the head nurse there? A Miss Miller.

Q Did you have much to do with her? A No, sir.

Q Who is the superintendent? A I don't remember his
name. I only saw him once or twice while I was there.

Q How long were you there? A About six or seven months;
pretty near seven.

Q What year was that? A 1907.

Q In 1907? A In 1917.

Q You were in St. Lukes, you say, in 1914? A I think
that was in 1915 I was there.

Q Sure? A Yes, sir.

Q You were at Roosevelts in 1915? A Yes, sir.

Q Where is Roosevelt's Hospital? A Roosevelt's Hospi-
tal is at 59th Street and 8th Avenue.

Q Do you remember any of the orderlies that worked
there with you? A We had so many there that I don't re-
member.

Q Where did you go after that? Did you go into another
hospital, or did you do something else? A I went to the
State Hospital; New Jersey State Hospital.

Q Where? A At Morris Plains for the Insane.

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Q State Hospital for the Insane? A Brittain D. Evans, Medical Director.

Q Did you know him at all? A Not personally; except that he was the head man in charge.

Q Did you know anybody else connected with that hospital? A He had two more of these doctors.

Q What is his name? A One of the girls lived there. I mean one of his daughter's lived there.

Q Were there any other doctors there? A Yes, sir; about six or seven more.

Q Do you remember any of their names? A One by the name of Wilson.

Q Wilson? A Wilson; yes, sir.

Q Do you know if he is still there? A I don't think he is there now, sir. Dr. Evans is there, the director.

Q What other doctor is there that you know of? A That's the name I can remember.

Q What hospital did you go to after that? How long were you there? A I was there about nine or ten months. Pretty nearly ten months.

Q That brings you up to what year? A Sometime in 1915, I think.

Q 1915? A 1915; yes, sir.

Q Where did you go after that? A I went over to the United States Marine Hospital, over at Staten Island.

Q Who was in charge there? A There was a doctor in

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charge, but I don't remember his name, because those doctors in the Marine Hospital, they only stay awhile and get transferred. Generally new doctors come all the time. It is quite hard to get them.

Q Did you live in the hospital? A Yes, sir.

Q Do you know the names of any of the attendants who were with you? A There is one by the name of John Horan.

Q How do you spell it? A H-o-r-a-n.

Q Do you know whether he is still there? A I don't think so. He may.

Q How old a man was he? A About fifty years old.

Q What was he, an attendant like yourself? A We was a male nurse. I was male nurse over there.

Q Do you know any one else who was there? A I know some men but not their names. I have been away and forget names like that. I have been away from them for a little while.

Q And after you were in Staten Island, where did you go? A I remember I was at the Metropolitan Hospital.

Q At the Metropolitan Hospital? A Yes, sir.

Q Where is that? A New York. Blackwell's Island.

Q What year was that? A About 1916.

Q Who was the superintendent there? A I don't remember his name.

Q Did you live over there? A Yes, sir.

Q What were the names of some of the other orderlies? A

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I don't know the names.

Q You don't know any of them? A No, sir.

Q Haven't you kept up a friendship with any of these men that you worked with? A No, sir.

Q What did you do when you were off duty? A I would go to town.

Q Alone? A Yes. I generally always liked to be alone.

Q Didn't have any friends in the city? A I have a couple before I went to France.

Q What were their names? A George Daly.

Q What was his business? A He was with the Engineers.

Q What was he before he went with the Engineers? A A mechanic.

Q Do you remember where he lived? A Well, he lived up around a hundred and fiftieth street and - somewhere - but I don't know exactly the number.

Q Did you see him often? A I saw him for two years in France.

Q I know, but before you went to France? A Sometimes.

Q Do you know whether he is back? A He is back; yes, sir.

Q Have you seen him since he came back? A No, sir; I didn't come back with him. I came back with a hospital ship.

Q Do you know whether he is still connected with the army? A No, I think he is discharged. They all got discharged when they got back.

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Q Have you ever heard from him since? A No, sir.

Q You don't know where he is? A No, sir.

Q You said you had a couple of friends. Who was the other one? A There is one by the name of Arthur Wilson.

Q Was he in the army with you? A Yes, sir.

Q Have you seen him since you came back? A No, sir.

Q What was his business? A I met him in the army.

Q You met him in the army? A Yes, sir.

Q Do you know where he is in this country? A No, sir.

Q Do you know whether he is in New York? A No, sir; the most of them were in New York. The Eleventh Engineers enlisted in New York.

Q How long were you at Blackwell's Island? A I think two months.

Q Then where did you go? A To Randall's Island.

Q Is that where you are now? A Yes, sir; but I was the first time there. Yes, sir; I was there before.

Q Who was the superintendent then? A I didn't know the superintendent's name.

Q Do you know the superintendent's name now? A I haven't seen him. I don't know which one it is.

Q How long were you in Randall's Island at that time?

A Pretty near a month.

Q Pretty near a month? A Yes, sir; nearly a month.

Q Didn't stay very long? A No, sir.

Q Why did you leave? A You mean the first time?

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Q The first time? A I was there two months.

Q Why did you leave there? A Sometimes, you know, I picked up a private case. I go and try to get them.

Q You didn't get any private cases from Randall's Island, did you? A No, not over there, but it is a good place to stay. There are no expenses.

Q Did you have any private cases at that time? A I had from St. Lukes Hospital.

Q When you were first at Randall's Island? A No, sir.

Q You said you stayed there two months? A Yes, sir.

Q Why did you leave at the end of two months? A I had to go to some other hospital.

Q Why did you have to go? A A person is not always satisfied, if he thinks there is a chance to get a little more.

Q You left of your own accord? A Yes, especially in a hospital you very seldom stay in one place.

Q Where did you go after that? A I remember I went down in Staten Island. There is a hospital down there, a tuberculosis hospital, and I was down there for two months.

Q A tuberculosis hospital in Staten Island? A Yes, sir.

Q What is the name of it? A I remember the name of that hospital. I think it is the Staten Island Tuberculosis Institute; something like that.

Q Who was in charge there? A I don't remember who was in charge.

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Q Was that the Riverside Hospital? A I think that is the name.

Q Where is it; what part of Staten Island? A When you get off Staten Island, it is quite a way off. You take a car, and it is quite a way off.

Q Did you know any one there? A No, sir.

Q What was your work at Randall's Island the first time you were there? A At Randall's Island is always children. It is a children's hospital.

Q What part of the work did you have to do? You were an attendant in the ward? A Yes, sir.

Q Were you always in the same ward? A Sometimes you get transferred to another ward.

Q Which ward did you work in most of the time? A Ward One.

Q Do you remember the name of the head nurse? A There is no head nurse in charge there. We were in charge ourselves.

Q You were in charge yourself? A Yes, sir.

Q There were no nurses in charge? A No, sir.

Q Well, now, after you left this tuberculosis hospital down in Staten Island, where did you go? A It is pretty hard to remember.

Q This wasn't so long ago. You ought to remember that.

A (No Answer).

Q What year were you there? A 1916.

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Q You don't remember where you went after that? A (No Answer).

Q Where were you when you enlisted? What hospital were you in when you enlisted? A I was in the Roosevelt Hospital.

Q You were twice in the Roosevelt Hospital? A Yes, sir; twice in the Roosevelt Hospital.

Q What service were you in there at the - A At the Roosevelt Hospital?

Q Yes? A As an attendant.

Q What wards were you in? A Ward B.

Q Who was the head nurse there? A I don't remember the name.

Q How long were you there? A About four months.

Q Do you remember what month you went there? A When I went there?

Q Yes; what month did you go to Roosevelt Hospital this last time? A In the spring of the year I remember.

Q In the spring of the year? A Yes, sir.

Q And you were there about four months? A Yes, sir.

Q And you were in Ward B all that time? A Yes, sir.

Q Do you recall the name of the superintendent there?

A No, sir; I don't know.

Q You don't know any of the other attendants? A No, sir.

Q Do you remember the names of any of the nurses? A No,

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I forgot their names.

Q Now, you were in Roosevelt Hospital when you enlisted?

A No, I left and then enlisted.

Q You left and then enlisted? A Yes, sir.

Q Where did you enlist, here in New York? A No; New York. Fort Totten.

Q You went down there and enlisted? A I enlisted in New York, in 13th Street, where you go down to enlist.

Q How did you happen to enlist in that particular regiment? A There was a big advertisement that the Eleventh Engineers - that they were going to France, and I wanted to go.

Q And you went down and enlisted? A Yes, sir.

Q And then they sent you right down to Fort Totten? A Yes, sir.

Q How long were you there? A About a month.

Q Well, now, you were a private? A Yes, sir.

Q Who was your corporal? A Daly.

Q George Daly? A Yes, sir.

Q That is this man that you knew? A Yes, sir.

Q He was the corporal of your squad? A Yes, sir.

Q Who was the sergeant? A Miller.

Q Do you remember his first name? A I think it is Frank, but I am not sure.

Q And who was the captain? A Captain Drew.

Q He was the captain before you started? A Yes, sir.

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Q And you were in his company before you started over there? A Yes, sir.

Q Do you remember the names of any of the lieutenants?

A They got transferred all the time and sent to different places, and then we got a new lieutenant and he would stay awhile and then we got a new lieutenant. There were so many of them. They didn't stay for a long time.

Q Well, now, when you came back to this country, what was the first thing you did? A I was at Camp Upton.

Q When you were discharged? A I left Camp Upton and went down to Twenty-third Street, and got a place to sleep there. I had made up my mind I was going to Baltimore, Maryland, because I had two hundred and sixty-six dollars in my pocket. I went and slept there at night, and when I woke up that morning I had six dollars in my side pocket and the two hundred and sixty dollars were gone. I have been away for two years in France and when I came back they stole two hundred and sixty dollars and left me with six dollars in the side coat.

Q Where was this place? A I reported the matter to the detective in Twenty-third Street.

Q And you never found your money? A No, sir.

Q What was this, a hotel? A A hotel.

Q What was the name of it? A The detectives there took down the names. They know the names, in twenty-third street, the detective knows.

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Q The Twenty-third Street Detective Bureau? A Yes, sir. Then I had to go the next day. It was my second day back from being two years in France, and I went out to look for a job, and I got one at the Metropolitan Hospital.

Q At the Metropolitan Hospital? A Yes, sir.

Q Which one, on Blackwell's Island? A Yes, sir.

Q How long were you on that job? A About a month.

Q And then where did you go? A From there I went to Ward's Island.

Q And that is where you were when you were - that was your last job, the Ward's Island job? A No; Randall's Island was the last.

Q Well, now, can't you remember the names of any of the people that you worked with at the Metropolitan here just lately? A No; I don't remember the names.

Q Can't remember any of the names? A No. When I went there I didn't go there to stay with the intention to stay. I thought I would stay there about a month; not for a steady position, because I expected I might possibly have to go back to Camp Upton for examination for pension, and when I got there I found out that I had already been signed up for pension and was to receive three dollars a month for the rest of my life.

Q Then after you were at the Metropolitan, you say you went to Ward's Island? A Yes, sir.

Q How long were you there? A Pretty near a month.

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Q Then where did you go? A From there I went to Randall's Island.

Q And that is where you were last? A Yes, sir.

Q Well, now, when you came over there from Randall's Island, you said you went to the Y. M. C. A.? A Beg pardon?

Q That time when you came over from Randall's Island, the night that you got into trouble, you went to the Y. M. C. A.? A Yes, sir.

Q Have you ever been there before? A Sometimes I go inside.

Q Did you ever stay there? A No, sir; I never stayed there. I stood in Twenty-third Street Y. M. C. A.

Q And stayed there? A Yes, sir.

Q Do you know anybody down there? A No, sir; I don't know.

Q You don't know anybody down there? A No, sir.

BY COMMISSIONER SILVERMAN:

Q Does Dr. Evans know you? A No, sir.

Q Does the daughter of his know you? A I don't know. She knows me. Sometimes I used to drop a letter.

Q Did she answer you? A Yes, sir.

Q Then she knew you? A I didn't write to her for two or three years. I don't think she will come, because she is engaged to get married.

BY COMMISSIONER STEVENS:

Q We are trying to find out some one who knows something

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about you, but you don't seem to have any friends.

BY COMMISSIONER SILVERMAN:

Q You say you don't remember the names of all these people that you worked with. Did you ever know their names? A No, sir.

Q While you worked there, you wouldn't know their names? A While I was there I knew the names. I think that

Q You have forgotten them? A Yes, sir. I used to know, until I got that blow, and when I was shot in my head I lost all memory.

Q But you remember some? A My memory has not been as bright as it used to be. The doctor claimed it would take about a year before my skull is alright. It isn't hardened enough.

Q Is there anything else the matter with you besides your memory? A No, sir; my memory is good now. I remember everything that goes on now, except the past, what happened before. I got wounded in the back and that isn't as bright as I used to be.

Q Did you drink much before you went to France? A Well, I drank as well as any one.

Q Did you get drunk? A I did once or twice.

Q Did you ever have a chancre? A No, sir; I had a clapp once about ten years ago.

Q You never had a chancre? A No, sir.

Q Have much to do with women? A Sometimes; yes, sir.

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Q Did you abuse yourself much? A No, sir.

Q Occasionally? A Sir?

Q Occasionally; once in a while? A Yes, sir; occasionally.

Q Do you think there is nothing the matter with you mentally? A I don't think so. I think it is good.

Q You think it is temporary? A No, sir; I think that it is my skull that hasn't hardened up.

Q Did you ever take any drugs? A No, sir; never did.

Q None at all? A No, sir; never took any drugs or any kinds of medicines. Never believed in it.

Q Never took any medicine at all? A No, sir; except for those headaches.

Q And then what did you take? A I don't know exactly what they gave me in the drugstore.

Q You asked for something? A Yes, sir.

Q Did you ever fall asleep after that? A Yes, sir; at times I feel very sleepy.

Q Did you ever buy any medicine outside of the drugstore? A No.

Q No friend gave you any medicine? A No, sir.

The Commission thereupon adjourned the further hearing of the case to Wednesday, July 2nd, 1919, at four o'clock P. M., to meet in the Sheriff's Room, of the Criminal Courts' Building, Borough of Manhattan, New York City.

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New York, July 2nd, 1919.

The Commission met pursuant to adjournment.

Present: William R. Montross, Esq., Charles W. Stevens, W. D., and Samuel T. Silverman, Esq., Commissioners; Abraham Karp, Esq., appearing for W. H. Weissager, Esq., Attorney for the defendant; Mr. William Perlmutter, representing the District Attorney's Office; and Albert Jensen, the defendant.

J O H N C. B O G U E, called as a witness, being first duly sworn, testified as follows:

BY COMMISSIONER STEVENS:

Q What is your name? A John C. Bogue.

Q And your address? A 130 West 66th Street.

Q And what is your business? A Night man at the apartment house.

Q At what apartment? A No. 2 West 67th Street.

Q What is the name of that apartment? A It hasn't any name.

Q 2 West 67th Street? A It is a corner building; 70 Central Park, West, or 2 West 67th Street.

BY COMMISSIONER MONTROSS:

Q What is your business, Mr. Bogue? A Night man. General nightman.

Q Are you on duty all night? A Yes, sir.

Q From what time? A From seven in the evening until seven in the morning.

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Q Are you in and out of the building? A Not out of the building.

Q Not out? A No.

Q You are inside of the building? A Inside. I might step out the door, but there was nothing to call me outside.

Q Now, do you remember anything special happening in connection with that building on the 4th day of June, 1919?

A It didn't happen at this building. It happened at the adjoining building, on Central Park, West.

Q It wasn't in your building? A No.

Q Have you any supervision over the adjoining building?

A No, sir.

Q What was it that occurred on the 4th of June that you remember in connection with the adjoining building? A Shortly after one o'clock in the morning, I was standing in front of the door in the building where I am employed talking with a party. This man Jensen came around the corner through Central Park, West.

Q On to what street? A On to 67th Street.

Q On the north or south side? A South side. He came around and saw me standing there, and he practically appeared to me to be under the influence of liquor. I saw right away that a great deal of it was put on. He came around the corner and as soon as he came towards me I was standing in front of the door. I took particular watch of the man. He caused me to be suspicious right away. He

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passed between me and the door. The doors were open and the windows, and I took particular pains to look into the entrance. He took a good observation of the house, and went along to the corner, and he remained hanging around there for quite a few minutes.

After this party talked to me I stepped to the corner to see where he was. I looked around and he was on Central Park, West, looking up and down the street. When he saw the street practically clear, he walked right over to the front window of this adjoining house, Number 65, pushed the screen, climbed in. It was dark in there.

I waited until he got well into the building, and I ran down to the entrance of this apartment house, and I got inside. I couldn't find the night man at first. He had the door locked, the night man, and finally the night man let me in, and I asked him for the way in which the front apartment was. "I want to get in there," I said, "You have a man in there, a burglar." He got so frightened he didn't know what to say. He then went into a doctor's office and led me into a toilet. I came back and I couldn't get into the apartment and I realized that and I knew that the man would soon be out. I went back to the front door and remained on the steps just outside of the building waiting for him to come out of the window. When he came out, he had a large china clock. I waited until he came along and I stepped down and grabbed him. He threw

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the clock right down on the sidewalk between us and started to run.

Q. Was there light there on the street where you were when this happened? A. Yes.

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

Q. Describe his appearance? A. He is a thin featured dark complexioned fellow, about five feet seven or eight, I should think. Slim built.

BY COMMISSIONER STEVENS:

Q. Do you recognize him in this room? A. Him in this room now? There he is (Pointing to the defendant). I recognize him. He has grown a beard too.

BY COMMISSIONER MONTROSS:

Q. Now, did you see him crawl into the window? A. Yes, sir.

Q. Was there any fence under the window? A. No, sir.

Q. How long did it take him to get into the window? A. He got in as readily as he could.

Q. Did you notice any hesitation of his action in getting into the window? A. No, sir.

Q. He seemed to have full control of his limbs? A. Yes, sir; perfect control, and he could run. I could spring some, but he beat me.

BY COMMISSIONER SILVERMAN:

Q. What did you think, he was intoxicated? A. I said I didn't think he was. I saw it was put on. He might have

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had a little drink in him. That caused my suspicion when he passed my door.

BY COMMISSIONER MONTROSS:

Q That was the first time? A Yes, sir.

Q What was he doing that made him appear to be intoxicated? A Going through his pockets after he had passed the door. He passed between me and this party.

Q Who is the party you were talking to? A My wife.

Q What is her full name? A Emily.

Q Where do you live? A 130 West 86th Street. I room there.

Q How long a time elapsed that you saw this man going into the window and the time he came out? A Not over three minutes.

Q How did he come out of the window? Describe the way he came out? A As any man could, and pulling a heavy clock with him.

Q Did he go out feet first? A No; the clock was on the side of his arm. I came within twenty, thirty feet and passed to the door where I made a break to get him, and then he smashed the clock in front of me.

Q Is the building right on the street? A Yes, sir.

Q How high is the window from the street? A About four feet from the sidewalk, he stepped right in.

BY COMMISSIONER STEVENS:

Q On 67th Street? A No, Central Park.

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Q What corner? A 67th Street. The building I am employed is the corner building. It runs down on Central Park, West.

BY COMMISSIONER MONTROSS:

Q Southwest corner? A Yes, and the building he went into is the adjoining building.

Q How high a window? Could he step out of the window?

A He could slide out.

Q We would have to crawl out? A He couldn't step over and put his feet on the ground; oh, no. It is up four feet.

Q Well, when you saw him come out of the window, how did he get down on the sidewalk? Did he jump down? A It is right off the sidewalk. There is a little grass, maybe two feet of grass. It is right on the level with the walk.

Q Was your wife there when he came out of the window?

A No; she didn't know what happened. We merely passed us while we stood talking. We only passed my door where I was employed. He didn't go down the street, but turned and came back. We passed both ways, and he was looking in the windows and the door.

Q Never seen him before? A No, sir.

Q Who caught him when he ran? A I followed him and blew my police whistle down 67th Street, and there were several civilians and an officer - quite a bunch of them - and that officer had him. I was close behind.

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Q Did you speak to him then? A No, sir; not until the officers brought him up.

Q Where did the officer bring him? A I met him at the corner. I went to see if my place was alright.

Q Did you talk to this man when you got back to the door? When the officer brought him back, did you talk to him then? A I don't think I said anything, except what I said to the officer, and the officer brought him back to me and he said, "What is the trouble?" and he said, "There isn't any trouble with me," and he said that he had an argument with me, that he was a German, and had not been careful. I hadn't spoken to the man. He acted very different from a man under the influence of liquor when the officers had him.

Q Did he say anything that you heard when they brought him up there? A I couldn't understand. He was fighting with them. They searched him and took a good razor out of his pocket. It is a good thing I didn't get him in that dark room.

Q Did you go with him when they took him away? A No, sir.

Q Have you seen him since now? A I saw him in the Magistrates' Court. He admitted in the Magistrates' Court throwing that clock down before me. He said that to some one. I can't recognize the man.

BY COMMISSIONER STEVENS:

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Q You say that when you first saw him, he appeared to be intoxicated? A His actions represented that, but I discovered that they were put on; false actions. That is what caused me to be suspicious of the man.

Q Just exactly what was he doing; was he staggering? A Yes, he pretended to stagger and stood mumbling to himself and going through his pockets, and when he passed I was back towards the door, and as he passed by me he walked straight enough. We thought my back was towards him, and he took a good look at the building. We could see inside.

Q You think he was pretending that he was intoxicated? A He might have had some intoxicant.

Q Did you get close enough to him at any time to smell his breath? A I was right close to him. I was within three feet of him when he smashed that clock down and smashed it to pieces.

Q You didn't notice an odor of liquor on his breath at that time? A I didn't pay any attention.

Q Now, when you saw him climbing into the window, how did he appear then? A Sober as I am now, or any one of us appear to be.

Q No staggering? A No.

Q His movements were deliberate? A Yes, and there was a screen there and he pushed that screen in with both hands and he went in.

Q The same action when he came out? He was perfectly

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straight when he came out? A Yes, sir.

Q When he dropped the clock, you say, he ran? A Yes, he started to run very close to the corner and I followed him.

BY COMMISSIONER SILVERMAN:

Q Did he stagger? A No, sir; and he could run.

BY COMMISSIONER STEVENS:

Q And he ran well? A Yes, faster than I can.

Q And beyond the conversation that you have described, when he came up; you had no other conversation with him at that time? A No, sir. The officer said, in his presence, that he had met me and had an argument with me on the street; that I was a German and insulted him, and that he would hit me, or something, and I was calling the officer for that.

Q The clock was scattered on the street when you brought the officer back? A We didn't pick it up. I said he climbed in there and took a clock and a fur piece, and they had the works of the clock in the Magistrates' Court.

Q What about the fur piece? A We couldn't find that. But I noticed, coming down the street, he threw something as we passed some people.

Q So that that disappeared? A Yes; we didn't find it.

Q Did you see the tenant of the apartment? A Not until they had him locked up. Then I saw the officer. The officer came back with him.

Q They saw nothing of the man? A They saw him in

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front of the house, in front of the officer after he was under arrest.

Q Did they have any conversation with him? A I don't think they came out of the house.

BY COMMISSIONER MONTROSS:

Q How was he dressed that night? A He had a kind of a very dirty gray suit. I don't think it is the pants. He is dressed altogether different.

BY COMMISSIONER STEVENS:

Q You say he didn't have a beard at that time? A No, sir; he was clean shaven, and had a shave probably a day before. No beard on his face whatever.

BY COMMISSIONER MONTROSS:

Q Have you been on duty all the evening of that night? A Yes, sir.

Q Outside or inside? A The doors are all open. I act as elevator man and doorman.

Q You haven't seen anybody else hanging around that evening? A That man wasn't out of my sight from the time I was suspicious of him until he was under arrest, except while he was in the room. I tried to get into the room. I think it is a good thing I didn't. The officer went through him and they took a razor away from him right on the street.

Q Did they take his money from him then? A Money?

Q Did he have any money that you saw? A The only thing I saw was this razor.

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brought him back to me and found out what the trouble was, he was full of fight then. They searched him right then and took this razor away.

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BY COMMISSIONER STEVENS:

Q You saw him when he was arraigned in the Magistrates' Court, didn't you? A Yes, sir.

Q What was his attitude there? A Why, he seemed to be in a very nervous condition; had an awful impediment in his speech when he was talking to the Magistrate. That was the first time I noted that. When he was fighting with the officers he didn't stammer.

BY COMMISSIONER SILVERMAN:

Q Did you say that he was mumbling to himself? A He snopped a short distance and going through his pockets he was talking to himself.

Q You say he took out a razor? A No.

Q Did they find a razor on him? A After the officer brought him back to me and found out what the trouble was, he was full of fight then. They searched him right then and took this razor away.

Q He didn't try to fight with you? A No; they had him.

Q They had the clock? A No, sir; he threw the clock so that I couldn't get a hold of him. I tried to get right down to get him. I had to step down two lower steps. He came right along close under the windows. When he came out of the window he didn't go on the sidewalk. He hugged the sidewalk.

Q Is there an iron rail? A I don't think so. There might be inside the door.

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BY COMMISSIONER STEVENS:

Q Now, to return to the time when he was arraigned before the Magistrate. You say he seemed to have an impediment in his speech? A Yes, sir.

Q How did he answer the questions put to him? A He stammered and stared before he could answer the Magistrate's questions.

Q Did his memory seem to be good? A He said he remembered smashing the clock.

Q Did he seem to be perfectly aware of the fact that he was arrested? A He seemed to realize that.

Q And as far as you could see, he was perfectly clear on the events of that night? A Why, he didn't seem to speak of it in a clear way. He remembered enough that he was the man that went in and took the clock.

Q He remembered the incident then? A Oh, yes. Yes, sir; all of this talk. I am not an expert on insanity.

Q You are not requested to know. A He did admit part of it, but he wanted to show that he didn't remember what he was doing.

Q He said at the time that he was under the influence of liquor? A Oh, yes; that was his alibi.

BY COMMISSIONER MONTROSS:

Q Did he say how many drinks he had? A No, sir.

Q He didn't testify to that before the Magistrate? A I don't think so.

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BY COMMISSIONER STEVENS:

Q Did he answer all questions put to him fairly and directly? A They didn't ask him very many questions, and he made such a fuss over answering them in stammering, they closed the case right there.

BY COMMISSIONER MONTROSS:

Q How did it strike Mrs. Bogue, this man hanging around and acting the way he did? A She couldn't help but notice this man's condition and warned me to look out for him; a pretty tough character.

Q So that you and she did speak of it together? A Oh, yes, sir.

BY DEFENDANT'S ATTORNEY:

Q When he came out of the door - out of the window, I should say - did he notice you and see you right away? A I was in hiding.

Q Were you laying for him? A Yes, sir.

Q You knew that would be the only means of exit, is that right? A I thought it must be. That was the only way I could get him. The apartment was locked.

Q Was that apartment occupied at the time, do you know? A Yes, sir. The lady says that they were sleeping in all the rooms except that one.

Q You don't know whether or not he went into any of the other rooms? A No, sir.

Q Just that room? A I saw him go into the window and

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go out.

Q You couldn't say what rooms he went into? A No.

Q Only from hearsay? A Never heard anything.

Q When he came out of the window, did he seem to be intent on doing one particular thing, or was he hesitant about his actions? A He climbed along and hugged the windows. He didn't stop to hesitate.

Q He seemed to be intent on doing something fixed on his mind? He had some fixed purpose? A He had the clock under his arm.

Q And when he dropped the clock - why do you think he dropped it? A To prevent me in getting a hold of him.

Q Did he throw the clock at you? A No, sir; he couldn't throw it very far away.

Q When he did hit the sidewalk, what direction did he run in? A He jumped back two or three feet and ran down the same way he was going.

Q Back to what street? A I walked. Merely moved back from me.

Q And ran over where? A Right along down Central Park, west.

Q North or south? A South.

Q And did you follow him? A I did.

Q Until where? A Until the officers caught him.

Q Until what street; how many blocks? A Just around the corner, 66th Street.

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Q How far would you say that was? A He might have got one-third of the way down 66th Street.

Q So that you followed him one-third of a block, would you say? A Yes, sir.

Q Then you stopped? A Yes, sir.

Q Why did you stop? A The officers caught him and I turned back, because I left my place alone.

Q Did you accuse him of anything in the presence of the officer? A I did; yes, sir.

Q What was his reply, if any, in your presence outside of what he told the officer, or explanation he made to the officer? A He denied it, I think. I won't be sure.

Q You are not sure of that? Did he attempt to explain himself in any way at all in your presence? A No, sir.

Q He was cursing and swearing at random, would you say, or at you? A It was at the officer and trying to get away.

Q Then his intention was to abuse the officer, so far as you could see? A Not really --

Q I mean by word of mouth? A Yes.

Q I don't mean to strike him. Did he appear to be angry at you? A Yes, he did. He wanted to get at me, more me and the officers.

MICHAEL McNAMARA, called as a witness, being first duly sworn, testified as follows:

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BY COMMISSIONER MONTROSS:

Q What is your name? A Michael McNamara, 28th Precinct, Shield No. 5322.

Q Are you an officer of the Police department of the City of New York? A Yes, sir.

Q What precinct are you connected with? A The 28th.

Q Were you on duty on the night of June 4th, 1919? A I was.

Q Whereabouts? A Middle of the block, between - on 66th Street between Central Park, West and Columbus Avenue.

Q Do you remember any particular occurrence on that night? A I do.

Q Will you tell us, please, what you remember happened?
A At about 1:05 I saw the defendant running west on 66th Street, and I went over and stopped him and asked him why he was running, and he said he had a fight with the people up at 66th Street and Central Park, West. We seemed to be excited and all nervous. He said they were going to kill him. So I said, "Alright, you come back with me and I will see that they don't kill you." So I took him back to 66th Street and Central Park, West, and there I met Mr. Bogue, the man who just testified here. We told me that he had seen him go into the window of the apartment, 55 Central Park, West, and he tried to go in and ring the door bell to catch him in there, but he couldn't do so, and he ran out again, and as he came through the window with the

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clock he dropped the clock and ran down towards 66th Street.

Q Now, did you notice whether there was any evidence of his having been drinking that night? A Oh, yes.

Q There was evidence? A Yes.

Q What did you notice? A Well, he seemed to be erratic and his breath smelled not very well. Of course, he wasn't intoxicated. He seemed to be drinking.

Q Could you tell distinctly that he had been drinking?

A Oh, yes.

Q What would you say that he had been drinking? A Well, it is - his breath smelled so bad. It is hard for me to distinguish.

Q Did his breath smell of beer or whiskey? A I could not testify as to whether it was beer or whiskey.

Q What did he say in your presence after you took him back where the night watchman was? A He said he wasn't in there first, and after he said he was in there. He said he didn't know what he was doing. He said he was over in France and got shot through the head, and didn't know what he was doing. He said that when he takes a couple of drinks he goes crazy.

BY COMMISSIONER SILVERMAN:

Q You said he seemed to be erratic? A Yes.

Q What was it that he did or said that made you think so? A He said he just got discharged from the army and he didn't know what he was doing; that he had no home and he

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lived at the Y. W. C. A., and he spoke about the way he was treated over in Germany.

BY COMMISSIONER MONTROSS:

Q Was he running fast when you saw him on 66th Street?

A Yes, he was running pretty fast.

Q Was he coming towards you? A Yes, west off 66th Street, and I was going east.

Q On the same side of the street? A I was on the south side and he was on the north side.

Q Did you have any trouble in stopping him? A Oh, no.

Q What did he do when you -- A I put my night stick out and I grabbed a hold of him by the collar of the coat, and I asked him where he was going.

BY COMMISSIONER STEVENS:

Q Did he show any fight? A No.

BY COMMISSIONER MONTROSS:

Q Did he show any fight after he got back to the night watchman? A He seemed to be rather sore on the night watchman.

Q What did he say to him? A He was speaking to himself. He acted in a very erratic way. I thought he was crazy at the time.

Q Did you see anything in his actions to indicate that he was intoxicated? A Well, yes, from the way he acted, he was speaking erratic and telling about the way he was fighting over in France, and all that kind of stuff. He started

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to pound the desk in the station house when he came in there with his fist.

Q You never had seen him before, had you? A Never seen him before.

BY COMMISSIONER STEVENS:

Q You say he was erratic at the station house? A Yes, sir.

Q Did he talk a good deal? A Yes, he spoke quite a good deal.

Q Did he make any disturbances when he was questioned at the station? A We didn't make much. We just spoke about the way he was with the Eleventh Engineers, and how he takes a couple of drinks it goes to his head. We didn't want to stay in the station house.

Q We admitted taking the clock, did he? A Yes, he admitted taking the clock then. We said he didn't know what he was doing.

BY COMMISSIONER MONTROSS:

Q Did he say what he had done with the fur piece that he was charged with taking? A I didn't know at that time that the fur piece was missing. When I got the lady that owns the apartment I asked her to make an investigation of the parlor and see what was missing and, at that time, I think she told me it was a clock that was missing. But while at the station house, the lieutenant received a telephone message that a doctor lost a fur piece in the same

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building. It was the mother of the boy who telephoned to the station house that a fur piece was missing.

BY COMMISSIONER SILVERMAN:

Q Mother of what boy? A The woman who owns the apartment.

BY COMMISSIONER MONTEROSS:

Q Somebody living in another apartment? A Living in the same apartment.

Q Same apartment? A Yes; there was a misunderstanding at the station house over the 'phone, that it was the same apartment that had been burglarized.

Q But at the station house you didn't understand that it was the same apartment? A Yes.

Q Have you ever made any arrests before on a complaint of this night watchman, who has just testified? A No, sir; I haven't.

Q Do you know of any other officer who made an arrest on his complaint? A Yes, I know of him, but I don't know his name.

Q Do you know anything about his reputation as a night watchman? A Well, we received a lot of complaints from that station house about colored men hanging around in that vicinity, but I don't know if it is him. I don't know the watchman.

Q Had you ever met this watchman before this night? A The first time I saw him.

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Q Do you know any other officer who met him before? A Yes, there is a policeman from Central Park who made an arrest on his complaint of two men stealing tires from an automobile in front of the Cafe de Artist.

Q Do you know what disposition was made of those complaints? A I don't know.

Q Have you ever had any conversation with any other officer relating to this night watchman? A No.

Q You don't know anything about him? A Don't know anything about him.

BY COMMISSIONER STEVENS:

Q You were present when he was arraigned? A At the Magistrates' Court?

Q At the Magistrates' Court? A Yes, sir.

Q How did he behave there? A We started to explain to the Judge about how he was drinking and that he didn't know what he was doing; that he was with the Eleventh Engineers and got shot in the head, and all that other stuff.

Q Did you notice anything at that time about any hesitancy in his speech? A He speaks with some kind of a foreign accent.

Q Beyond that he spoke good English? A Pretty fair.

Q Did he stutter? A Yes, he seemed to stutter. He seemed to have a little impairment in his speech.

Q But his memory seemed to be poor? A Yes, it seemed to be poor.

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Q What makes you think so? A We was asking me several questions about the night before, where I got him, and so forth.

Q Asking you where you caught him? A Yes.

Q In other words, he seemed to have forgotten something about the night before? A Yes, sir.

Q Did he appear like a man who was getting over a condition of intoxication? A Well, he seemed to be.

Q Did you take him from the cell the next morning to the station? A Yes, sir.

BY COMMISSIONER MONTROSS:

Q What was his condition when you took him from the cell? A His eyes was wild looking.

Q What was his condition? A His condition?

Q As to cleanliness, what was his condition? A He was rather dirty.

Q Did you notice whether he soiled his person in any way during the night? A No, I didn't notice it.

Q We hadn't committed any indecency in the cell as far as you know? A No. There is a toilet in the cell.

Q Do you know whether he used the toilet? A I do not.

Q His clothes didn't show any appearance of having neglected himself during the night, did it? A Not as far as I could see.

Q Did he testify before the magistrate how many drinks he had taken? A Yes, he had testified.

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Q How many? A The defendant testified?

Q Yes? A He testified.

Q How many drinks did he say he had? A He didn't say how many. He didn't specify how many, but he said he had been drinking.

Q Did he say that he had more than one drink? A I don't think the Magistrate asked him how many drinks he had.

Q Did he or didn't he ask him? A I don't remember whether he asked him or not.

Q Did he appear to remember where he had been the night before? A No, he didn't appear to remember where he was the night before. He asked me what he had done when I took him on the wagon the next morning.

Q Did you question him at all that night as to where he had been before he was arrested? A Yes; he said he didn't know where he had been.

Q Did you ask him that night where he was employed? A Yes.

Q What did he say? A He said he wasn't employed. He said he was just getting discharged from the hospital.

Q He wasn't working at all? A Yes.

Q Did he say what hospital he was discharged from? A Yes/ some hospital over in Jersey. I can't remember what hospital he said, and there was another officer coming from Headquarters and he knew him from the Eleventh Engineers.

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Q An officer of the Police department? A yes, sir.

Q What is his name? A Frank Upton.

Q Where does he live? Where can he be reached? A The 26th Precinct.

BY COMMISSIONER STEVENS:

Q Did he know the man? A yes, sir; he knew the man.

Q He knew him in the Engineers? A Yes, he knew him in the Eleventh Engineers.

BY DEFENDANT'S ATTORNEY:

Q When you took him into custody and brought him back to this night watchman, what explanation did he attempt to offer at all for being found in that condition? A Well, he was very excited and was trying to pull away from my grasp.

Q Aside from his actions, what explanation by word of mouth did he attempt to offer, or did he attempt to offer an explanation? A He didn't attempt to offer any explanation.

Q He tried to get away and didn't try to explain how he was there or came there? A No.

Q Did you search him before or after you got him in the station house? A In the station house.

Q Did you find anything on his person? A A dollar and thirty cents.

Q Anything else? A Nothing else.

Q Did you find any weapons? A Yes, I found a razor by the clock.

Q A razor by the clock? A Yes, sir.

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Q Lying near the clock? A Yes, sir.

Q You didn't find it on his person? A No.

Q You don't know whether that razor belong to me at all?

A No.

Q Did he explain anything as to the ownership of that razor? A No.

Q Did you ask him? A Yes, I did.

Q What did he say? A We didn't say anything.

Q Do you think that he saw you while he was running? A I don't think he did.

Q As far as you know, the first time you saw him was when you held your club out and stopped him? A Yes, sir.

Q That is the first time he saw you? A Yes, sir.

Q And he stopped willingly? A We had rather an inclination to go ahead. We said he was going to be assaulted by several men.

Q Did he seem to be affected in any way by having been caught by you or dependent? A Well, he seemed awfully nervous and shaky.

Q Does Officer Frank Upton, that you speak of, was he in the same outfit that the defendant was in? A Yes, sir.

Q We told you that? A We told me that.

Q It wasn't hearsay? A No, he told me.

Q That he had served with the defendant? A Yes.

Q And saw active service with him? A Yes. We said that the defendant was in Company "A" and he was in Com-

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pany "B".

Q And when you say that the defendant remarked about the service he had seen, he kept mentioning the Eleventh Engineers? A All the time.

Q Repeatedly? A Yes, sir.

Q It seemed to be uppermost in his mind? A That was the uppermost in his mind.

BY COMMISSIONER STEVENS:

Q At the time you searched him, did you find any pill boxes or tablets in his pocket? A I don't quite remember, but it is possible that I did see some boxes - pill boxes.

Q Did he say anything about having been in the drugstore to get drugs that evening? A I don't quite remember what conversation took place in front of the desk.

CHARLES D. DREW, called as a witness, being first duly sworn, testified as follows:

BY COMMISSIONER MONTROSS:

Q What is your name? A Charles D. Drew.

Q Where do you live? A 242 Sanford Avenue, Flushing, Long Island.

Q What is your present occupation? A Civil Engineer.

Q Have you been in the service of the United States Government? A Yes.

Q Whereabouts? A From Fort Totten and Long Island, and later in England and France.

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Q And, will you please state during what time you were engaged in service in France? A From the 7th of August, 1917, to the 15th of April, 1919.

Q And what time at Fort Totten? A From the 21st of June, 1917, to the 14th of July, 1917.

Q So you went from Fort Totten to France? A Yes.

Q What were your duties in France? A I was Company Commander in the Eleventh Engineers.

Q And what position did you hold? A I was the captain commanding the company.

Q And when you were discharged, what was your occupation? A I was Major. I was Company Commander until the end of October.

Q Have you ever seen the defendant in this proceeding before? A Yes.

Q Where did you first meet him? A At Fort Totten. He was in my company.

Q At the time he enlisted? A I think so. He was in the company on the 21st of June, when I took it over.

Q 1917? A 1917.

Q And did you have occasion to see him frequently? A Very frequently, I did.

Q Did you observe anything particularly in regard to his actions? A Yes. This man, part of the time, was my striker. That is, personal orderly, and I saw quite a lot of him, and as an orderly he was always extremely faithful.

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He had certain faults and at times he would drink and go out without leave. Once or twice he was drunk, when he was supposed to be outside on the work. He would sneak off the work and would be found in the camp intoxicated. These things happened once in two or three months.

Q You are speaking now at the time he was at Fort Totten?

A No, in France.

Q Well, state, if you will, as much of the details as possible what you noticed about his actions while in the service so that we may be informed fully what you know about him. A Jensen, as personal orderly, was always extremely faithful to his duties, and I never knew him in any way to be under suspicion of taking things. He never took anything from me as far as I know. I don't think I missed anything, and his reputation in that respect there was no suspicion of. He was a little erratic - eccentric perhaps - but not more than other men. He had this eccentricity apparently. And then he would be extremely penitent and cry when he got into trouble and tried to get off and swear he wouldn't do it again, and all that sort of thing.

One time, when we were alone away from any inhabited country at all, he, several times, used to go away at night. He sort of would not show up until the next morning and no one would know where he had been. He would go away alone, and that is the only thing about him that I noticed that was eccentric and, of course, occasionally he

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would get drunk and go without leave.

BY COMMISSIONER SILVERMAN:

Q Did you ever notice these eccentricities before going to France, in Fort Totten? A No, he didn't get into any trouble there at all.

Q Did he get drunk? A Not that I know of.

BY COMMISSIONER MONTROSE:

Q When he got intoxicated, was he absolutely helpless?

A No, not as bad as that.

Q How did it affect him? A Slept and a little bit insubordinate. He would say, "Why do you pick on me?" He would tell the sergeant, "Why do you pick on me?" and "Why did you want me to work?"

Q Did you have any knowledge of how much he drank at these times when he went on these sprees? A No direct knowledge, no.

Q No one knew how many drinks he took? A No, except that he wasn't dead drunk.

Q He was never incompetent at the time he was under the influence of alcohol? A He felt sick.

Q A physical condition and not a mental condition? A He felt unable to work. He had no inclination to work and resented being made to work.

Q But his actions weren't similar to a person who didn't understand what he was doing? A You mean he imagined things that weren't so?

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Q Yes? A Never seen that.

Q He seemed to fully understand what he was doing then when he was under the influence of alcohol? A Yes.

Q Now, do you know whether he was injured at any time during his service? A Yes; he was wounded on the 1st of November, 1918.

Q How did that wound come about? A Well, he was wounded in the head by a shell fragment, as near as the medical people could tell - the medical orderlies.

Q Was he in an actual engagement at the time he was injured? A No; he was working on a railroad line. I didn't actually see him wounded, but I was a little ahead of the men who were working, and when I came there they told me that Jensen had been wounded, and they thought he was probably done for, and the medical man told me that his brains were actually boozing out of his head. His skull was fractured. The brain was visible, and we didn't see him again in the organization. They don't even come back when they are cured necessarily.

Q What is the name of the medical man who told you that?

A Can I ask Jensen? I would know the name if it was suggested to me.

THE WITNESS: Who was that tall medical man in C Company?

THE DEFENDANT: I don't remember his name.

THE WITNESS: I can look it up.

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Q Do you know where he is at present located? A I do not.

Q Do you suppose it would be possible to locate him? A Yes; I can get it for you.

Q We would appreciate it very much if you can get that information. Did you ever see him again after he was supposed to have been injured? A I seen him twice since then; once the day we parted in New York which, I think, was the 30th of April, and again when I had an interview with him in the Tombs.

Q You didn't see him at any time after he was disabled by reason of his injury? A Never until he was discharged from the army.

Q Can you give us any information of the hospital he was in while he was in France? A Only what he has told me himself. We have no records. The Company loses track of the men unless he writes to the company commander.

Q Has he ever been able to give you any definite information as to where he was in the hospital? A Yes.

Q Will you state what he has told you? A Yes; can I refer to this memorandum?

Q Surely. A He said that he was taken, when he was wounded, to Base Hospital 26, near Verdun, and that he went home as a casualty with a unit of wounded convalescents in March, and was discharged from Camp Upton in March.

BY COMMISSIONER SILVERMAN:

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Q Is that something he wrote himself? A It is something he dictated to me. I have here a copy of his discharge certificate, signed by the Medical Officer that discharged him. It is written. It is signed by the Lieutenant-Colonel Schmalz, who was Chief Examiner Officer.

Q Where did you get that? A I got it from the Chaplain of the regiment who happened to be left on duty at Camp Upton, and got it at my request.

Q Can you authenticate that document? A Yes.

(Document read).

Q Now, Major, at the time you took that memorandum, which you just read, did the defendant give you that information himself? A Yes, at my request. I tried to find out what he had been doing, and where he had been, and how he got into this trouble.

Q And as to dates and places, he stated that from his own knowledge? A It was after a great deal of questioning.

Q Did you have any information from which you could draw those questions from him as to dates and places? A No.

Q In other words, all the information you got there was from his own mind - from memory? A Yes.

Q Now, can you tell us from what you know at the time he was injured, when he went into this base hospital? A Presumably on or about the 1st of November.

Q And do you know how long he was there? A Not from personal knowledge.

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Q From November, 1918? A November, 1918.

Q Do you know any one who was in that hospital at that time? A No.

Q Do you know whether it would be possible for us to locate any one who was in the hospital at that time? A Yes; they would know at Washington who the Commanding Officer was, and they would have a record of his case there. All his papers are at the Adjutant-General's office in Washington under his number which is 161062.

Q And could we learn from the Adjutant-General's office in Washington where to locate the officer in charge of the hospital if he is in this country at this time? A I think so. I would be surprised if they couldn't.

BY COMMISSIONER STEVENS:

Q Did your regimental medical officers have anything to do with him after he was sent to the Base Hospital? A Not at all.

Q They simply passed him on? A He didn't come back to the regiment. He was in the field several miles from camp. Our camp was further back and we were up a good deal close to the front. The medical orderlies, who were on duty with us, rushed him over to a field dressing station and there he was picked up later by the ambulance in the usual way and carried back to perhaps another dressing station, and perhaps back to the base.

BY COMMISSIONER MONTROSE:

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Q Was it during the day or night that he was injured?

A During the day.

Q Possibly around noon? A About noon, or early in the afternoon.

BY COMMISSIONER STEVENS:

Q As far as the personnel of your regiment was concerned, he disappeared from your regiment at that time? A He disappeared on the 1st of November.

BY COMMISSIONER MONTROSS:

Q Do you know of anybody in this country now who observed him at the time he was injured? A There must be a great many men in the company who saw him. I think Master Engineer Armstrong - I think he saw him at that time. I think he assisted him in tying him up.

Q Where can he be located? A I couldn't say now, but I can find out.

Q He is the only one other than the medical officer who saw him at the time of his injury? A Medical orderly. Oh, no; there were lots of others. I suppose half the company saw him.

Q But you don't know where to locate any particular individual at this time? A No. But I could probably locate a dozen in a short time if it is a question of establishing his wounds I can get plenty of witnesses.

Q You never had any information to the effect that by reason of his injury he did refrain from the use of alcohol?

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A No.

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Q And you never had any information as to what the result of the use of alcohol might be in his condition? A No.

Q When you saw him in the Tombs, did he tell you what happened the night that he was arrested? A No; I didn't question him on that, because he had already - yes, he said, that he had been drinking, as far as I can remember. I can't remember that he said anything more about it.

Q Did he tell you how much he had been drinking? A He said a couple of drinks.

Q He didn't tell you anything about where he had spent the evening previous to the time he was arrested? A Yes; he said he had been in a moving picture show and got sick, and then got a couple of drinks.

Q Did he tell you whether he was employed at that time anywhere? A Yes; he told me that he wasn't employed at that time, but that he had been employed up to a short time before.

Q Did he say where? A Yes; he said that about the 1st of May, he was working as an attendant on night duty at the New York Hospital, and that he resigned, because he wasn't able to do himself justice on account of frequent headaches. Then he said, that after a few days he got another job at the Manhattan Hospital, as a hospital attendant, and that he worked there nearly one month and left again on account of headaches; and, then that he worked at

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Randall's Island about two weeks, and resigned for the same reason about June 4th. He seemed to be very hazy about where he had been living since then. He thought it was on a hundred and twenty-fifth Street, about two blocks from the Randall's Island ferry, and said further that he left a blue soldier's bag at the Y. W. C. A. at Twenty-third Street, which could be called for in his name and might have papers in it. He claims he has lost all his papers. That is about the extent of my conversation. He claimed also that his eye-sight was very bad. That he found it very difficult to read since he was wounded, and he said that some doctor told me that he was suffering from a shock of the eyes.

Q. Then he told you that he resigned from Randall's Island on June 4th? A. About June 4th; yes.

Q. And that subsequent to that time, he lived on a hundred and twenty-fifth Street, as near as he could remember it?

A. Yes.

BY COMMISSIONER SILVERMAN:

Q. In speaking to you at the time, did he mention the names of any of his comrades in his company? Did he remember the names of them? A. We didn't mention them.

BY COMMISSIONER STEVENS:

Q. When he was under your command and acting as a striker, did you find out whether he was at any time lax in his memory in regard to instructions that you gave him? A. No.

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Q He carried out any orders that you gave him without hesitation? A Yes, without any hesitation.

Q He was attentive? A Yes.

Q Usually interested in what was told him? A Yes.

Q Did you ever notice him talking to himself? A Yes, I heard him sort of grumbling to himself.

Q That is, when he was in a normal condition? A Yes, I would say so; when he wasn't drinking, you mean?

Q Yes? A Yes, I found --

Q Beg pardon? A It wasn't a common habit, but as I think of it, I can think of a few cases of that kind.

Q You said that you thought that he was eccentric. Did you ever suspect that at any time he might be mentally deficient? A Not as strong as that. I should not say that. I never heard it said of him.

Q Beg pardon? A I never heard it said of him. A man is sometimes laughed at as being queer, and yet nobody would suspect anything of that kind.

Q How is he considered among the men of the company? Did he chum with them; have much to do with them? A No..

Q He was rather solitary? A Yes.

Q He stayed by himself? A Yes.

Q Do you know whether he had any special friends in the regiment - in the company? A I think he had none, as far as I know.

Q Did you ever hear him talk about any friends that he

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had outside here in New York, for instance? A No; I am trying to find them out to see what I can learn about it, and I can't find it out from him.

BY COMMISSIONER MONTROSS:

Q What was the nature of his work over there? Was it such that he was almost continually in danger? A No; only certain periods when he was in danger.

Q Well, would you say that he often had been in danger by reason of his services? A No; about six months under possible scattering shell fire. We never could tell where we would get shelled, but the outfit, while he was working with the company, there wasn't any shell except that time as far as I know.

BY COMMISSIONER STEVENS:

Q George Daly was also a member of your company? A Yes.

Q And the defendant states that he knew him fairly well. Was he a private? A Yes, he was a private.

Q What was his business, have you any recollection of that? A In some mechanical business. A pipe fitter or possibly an electrician.

Q Now, this Rudolph O. Miller was the sergeant? A I don't know that man. This is the only Miller that we can find that was a sergeant.

Q But you don't know him? A No. He is in another company. He was in Company "F".

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Q Well, now, to return to that question of his mental condition; previous to his injury would you say that he was of normal intelligence considering his condition in life and opportunities, or was he above or below par? A He was a man of average intelligence. He wrote a good letter. I censured his letters and have seen them.

Q He wrote good letters? A Yes, and a careful hand.

Q Do you remember to whom the letters were written? A A sister in Denmark.

Q Do you recall any letters written to America? A I never censured any letters to America that he wrote.

Q But from your observation you would say that he was a man of average normal intelligence for a person of his position in life? A Yes.

BY DEFENDANT'S ATTORNEY:

Q Major, was he an enlisted man or a drafted man? A He volunteered.

Q During his services - you are in a position to tell us just what sort of a type of man he was up to the time of his injury? A Yes.

Q You have spoken to him since, you say, you saw him in the Tomb? A Yes.

Q Can you tell us what impression with reference to a change, if any, he made upon you, or did he make any at all? A He did.

Q In what respect? A On April 30th, when I saw him

first, and at the other time, his appearance was rather shabby to me, because he looked in such a poor condition - physically compared to what he was before.

Q Was this while he was in or out of uniform? A Out of uniform.

Q Civilian clothes? A I saw him in civilian clothes and he looked thin and white, and deep rings under his eyes, and shook very badly, and I was shocked by his appearance, and then after talking to him I had to drag this information out of him and suggest and he didn't seem to know what he had been doing until you got his dates straightened out.

Q Was that like or unlike his condition and mannerism while under your employ, or under your supervision in the service? A He was rather unlike it.

Q Decidedly so, would you say? A Yes.

Q Would you attempt to offer an explanation as to what that might be due to from your own knowledge; your own opinion, of course? A His hospital record - if it is as he states, it might be a good explanation of that. He states that he was unconscious for a long time while he was in the hospital and that he suffered from headaches due to his injuries, and that he has been left with this defect in his eye-sight.

Q You said something a few minutes ago something about his brother privates mentioning something about him being

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gone, after reporting to you that he had been hit. Just what was that, Major? A Just a rumor that he died or was dead before they put him in the ambulance.

Q And that was told to you by eye-witnesses who saw his condition? A No; it was rumor.

Q It was hearsay? A Yes.

Q Did you speak to anybody who actually saw his condition? A Yes.

Q At or immediately after he was struck? A Yes.

Q And, what, if anything, did they say? A They said he was very badly hit and his skull fractured, so that the brain - part of the brain - could be seen.

Q And that was told to you by an actual eye-witness, is that right? A Yes, sir.

BY COMMISSIONER MONTROSS:

Q Did Jensen tell you anything what happened immediately after he was discharged from Camp Upton? A You mean April 30th when I saw him?

Q When you talked to him? A Just a general conversation. I told him I was glad to see him up and well, and I asked him what he was doing, and he said he had a job working nights, and I said, "That is good."

Q Was he in uniform then when you saw him? A No.

Q How long was that after he was discharged from Camp Upton? A He was discharged about March 18th. That is, when he got his medical examination. That is within a

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couple of days before his discharge, and I saw him April 30th, so that it will be about six weeks.

Q Did he tell you what he did when he left Camp Upton?

A At that time? No, except to state that he had a job in a hospital as a hospital orderly; an all night job.

Q Did he say where he went from Camp Upton? A No.

Q He didn't tell you a thing after he left Camp Upton?

A No.

Q How long did you talk to him that day? A Five or ten minutes. I tried to get him to go into the association. The Association gave a dinner to all of the enlisted men and we tried to get the wounded men to come to this dinner, and I told him to come in, and I fixed up a place for him and he disappeared, and we didn't see him at the dinner which I thought was rather queer. He didn't seem to want to come in and join in it.

Q When he was in the service in France, did he show an inclination to avoid people and keep away from them? A No; not in his work. He would talk friendly enough with the men he was working with, with the cooks. He was jolly and they would jolly him and he would talk back, and I didn't think he went away. He lived with friends.

Q He usually went away himself? A As far as I know of.

Q Do you know anything about his reputation among the other men? A No. They made a butt of him a little. He seemed to be - but got on with them well. They laughed at

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him.

BY COMMISSIONER SILVERMAN:

Q Was that because of his queerness? A No, because they liked to tease him. They liked to get him angry. They tried to get his goat, not more than they did with other men, but he was one of those men that they did that to a certain extent.

Q Was he able to hit back? A Oh, yes; he talked right back. He gave them as good as he got them.

BY COMMISSIONER STEVENS:

Q Do you know of any other members of the company who were here in New York who would be liable to know much about his habits and ways besides those contained in this letter? A I will ask him.

THE WITNESS: What squad were you in mostly? Who was your corporal?

THE DEFENDANT: I don't know the name.

THE WITNESS: You don't remember his name?

THE DEFENDANT: No.

THE WITNESS: You better tell me. I will help you out.

THE DEFENDANT: I can't remember the name. We called him by a nickname.

THE WITNESS: What was his nickname?

THE DEFENDANT: I think we called him Mac, as far as I remember the name.

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THE WITNESS: I can find out.

COMMISSIONER STEVENS: If we can get hold of the names of his intimate men, it would help us a great deal.

Q From your observation of him now, you stated a moment ago that you think that he has changed a good deal from what he was when he was in the service with you. A He doesn't look like a well man - not in a physically good condition to me.

Q Do you notice any change in his mental attitude? A He seems to be hazy about things that had happened. He couldn't fix dates. He was very hazy about when he moved to one place and where he lost his job, and when he took on another job.

Q Does his attention seem to wander when he talks to you? A No; he seems to try to get what you are driving at and gives you an answer. He tries to be thinking, but he has difficulty in fixing the dates when these things happened.

Q Memory is rather poor, in other words? A I think so.
BY COMMISSIONER MONTROSS:

Q How does his manner impress you now, for the last few minutes in response to the questions which you just asked him? A I can't imagine a man with a good memory forgetting the name of his corporal.

Q Do you think his manner indicates lack of memory or

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lack of willingness to give us information? A I couldn't say.

BY COMMISSIONER SILVERMAN:

Q Do you think it is possible for a man to remember the dates, when he ran from one place to another, and that he wouldn't remember his corporal? A I wouldn't expect him to remember the exact dates, but I would expect him to know within half a month.

Q Considering the fact that he gave you the exact dates at that interview, wouldn't it be more likely for him to remember his corporal? A We didn't give me the exact dates. We gave me approximates and, as I say, I had to get him to say how long was it after this and after that to get it fixed, and after he could give me the exact dates, I would say it was very remarkable that he couldn't remember his corporal.

Q He saw his corporal several times a day? A Yes; he slept in the same tent with him.

Q And if he knew him by being called Mac, he should know his name? A Yes.

BY COMMISSIONER MONTROSS:

Q The defendant has testified that when he left Camp Upton he had something like two hundred and sixty dollars in his possession; that during the night following, or the night of the day that he left the camp, in some boarding house in New York, he was robbed of all that money -

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practically all of it. Now, did he say anything to you when you saw him the first time in New York of any such occurrence? A Not the first time.

Q Not the first time? A But the second time he did tell me.

Q The second time he did tell you? A Yes; in connection with his papers. I asked him where his discharged papers were. I wanted to know how they rated him on his medical examination, and he said he had been robbed and lost all his papers and his money.

The Commission thereupon adjourned the further hearing of the case to Monday, July 7th, 1919, at two-thirty o'clock P. M., to meet in the Sheriff's Room, of the Criminal Courts' Building, 32 Franklin Street, Borough of Manhattan, New York City.

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New York, July 7th, 1919.

The Commission met pursuant to adjournment.

Present: William R. Montross, Esq., Charles W. Stevens, W. D., and Samuel T. Silverman, Esq., Commissioners; Emerich Kohn, Esq., appearing for the defendant; and Albert Jensen, the defendant.

MILTON M. JOHNSON, called as a witness, being first duly sworn, testified as follows:
BY COMMISSIONER MONTROSS:

Q What is your name? A Milton M. Johnston.

Q And where do you live? A 52 Fort Green Place, Brooklyn.

Q Have you ever seen the defendant here before? A I saw him one night.

Q Whereabouts? A At the Y. M. C. A.

Q What branch of the Y. M. C. A.? A Twenty-third Street.

Q When was that? A The night of March 21st.

Q Did he come there and ask to stay a night? A He came there and asked for a place all night.

Q Did he stay? A To my knowledge he did. I believe he did.

Q You didn't see him in the morning? A I didn't see him in the morning; no, sir.

Q Did he leave any property with you when he came into the building that night? A He left a blue soldier's bag in

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our check room. We didn't leave it with me personally.

Q Did anything occur that night there that made any particular impression upon you in connection with him? A Not to my knowledge.

Q How long did you talk to him? A It probably wasn't more than two or three minutes.

Q Did you say anything to him? A I have no recollection; no, sir.

Q Was he in an apparently normal condition when you saw him? A I don't remember him as I saw him that night.

Q You never seen him since until today? A No, sir.

Q You don't know anything about him, except what happened that night? A That's all.

Q You have no way of identifying this bag as being the bag that belongs to that man? A There is a letter in the bag that has his name on it. So I believe it is his bag.

Q You have examined the contents of the bag? A Most of the contents; yes, and I found a package of letters and one of them had his name on it, and I presumed it was his.

Q Was the Y. W. C. A. any claim on this property? A No, sir.

Q You are perfectly willing to surrender it to this man? A Perfectly willing. Of course, we should have his check for it, but I suppose he has it yet. I might add that he didn't sleep in a room exactly. I don't know if that would help you any. We have a large dormitory and have twenty-five

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cots in it that we reserved for men in the service only, and we give them those, because we don't very often have rooms open for those men.

Q Is there any one connected with your institution who would be likely to remember the condition in which he was in the night he came there? A I asked the coat room man about it. I asked the man who took the bag, when he turned it in, whether he noticed it.

Q Could he describe this man? A No; he couldn't describe him.

BY COMMISSIONER STEVENS:

Q Have you any recollection as to whether at the time you spoke to him there was any suggestion of liquor on his breath? A I have not.

Q How many men did you see in the course of that evening assigning them to sleeping quarters? A Probably about fifteen or twenty that I saw personally, and the other man, of course, came on.

BY COMMISSIONER MONTROSS:

Q How do you determine the fact that he stayed at the Y. M. C. A., or made an application to stay there on this particular night? A Because I have a record on the register and the amount he paid, and the cot he was assigned to.

Q Then he did pay to stay? A He paid fifty cents.

Q How long have you been there in the service that you are in now or were? A At that time I was one of the of-

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ficer's assistants.

Q How long have you been there then? A I started there on March 21st.

Q Of this year? A No, March 20th of this year.

Q That was the night before he was there? A The night before he was there.

Q You never worked there before? A No, sir.

Q And you have been there ever since? A Yes, sir.

Q Have you been continually in one kind of service there?

A In the middle of June I was promoted to Dormitory Secretary.

BY DEFENDANT'S ATTORNEY:

Q What time did he get there, do you know? A I don't recollect. In the evening sometime.

Q He came alone? A I don't recollect.

Q That is to say, did anybody accompany him at the time he came there? A Not to my recollection.

GEORGE CHAPPELL, called as a witness, being first duly sworn, testified as follows:

BY COMMISSIONER MONTROSS:

Q What is your name? A George Chappell.

Q And where do you live? A 325 East 90th Street.

Q What is your business, Mr. Chappell? A Saloon keeper.

Q Where are you employed? A 87th Street and Avenue A.

Q Have you ever seen this defendant before? A I have.

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Q Where did you see him? A He was in the same regiment with me in France.

Q When was that? A Well, we enlisted May 30th, 1917, and was here six weeks and went across. Left on July 14th, 1917.

Q He enlisted the same time you did? A Yes, sir.

Q The same place? A Yes, sir; the same place.

Q Had you ever known him before that time? A No, sir.

Q Did you know him from the time he enlisted? A No, sir; that is the first time I ever seen the man in my life at Fort Totten.

Q From that time on, did you know him intimately? A Oh, yes.

Q Were you in the same company with him? A Yes, the same company.

Q Were you in the same squad? A At times we were. We were in about three or four squads together, and now and then sized up and put in different squads, but I was in four squads.

Q On an average, how often did you see him while in France? A I seen him every day.

Q And down at Fort Totten the same? A Yes, sir.

Q You see him at any time at night? A In the evening; yes.

Q Did you sleep in the same tent? A Yes, sir.

Q Practically all the time while in the same squad? A

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Yes.

Q On an average how many times did you sleep with him in the same tent? A I guess I was there - over there - twenty-two months. I guess a year.

Q How many other men were in the same tent? A Seven and a corporal. Eight men.

Q What was the name of the corporal? A We had different corporals. Corporal Riley, McCarthy and Gregor.

Q Were there more than three? A I guess there were three corporals within the time I was in his squad.

Q Were any of those corporals known by nicknames, or called by nicknames? A Yes; one of the fellows was known as Scotty McGregor.

Q Do you recall any others? A No; the other fellows names were Reilly and McCarthy.

Q Were either McCarthy or Gregory known by any other nickname? A Only Scotty; that's all; and Reilly was just Jim, and McCarthy was called Mac.

Q In your opinion, was McCarthy associated any more intimately with this defendant than any other of the three corporals? A Why, no. I believe they were more intimate with him than the rest of the others.

Q Neither were, any of the three, more intimate than the other two? A No.

Q Would he be likely to know any of the three any better?
A No, I don't think so.

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Q While you were at Fort Totten, did you see him as frequently as you did in France? A We were just getting acquainted in Totten. Of course, we didn't know the names as well as we did when we were in the service for a month or two.

Q Did you sleep in the same tent with him at Fort Totten? A Yes, sir.

Q Were those the three same corporals you had in France? A No, they weren't. They were only acting.

Q Do you remember whether this defendant was injured at any time? A Yes; I was on the scene when he was injured.

Q You saw him? A Yes, sir.

Q Did you see him at the time he was injured? A Yes, sir; I was working with him when he was injured.

Q Did you examine him closely after the injury? A We picked him up and held him until the medical man came and then put him in the dressing station. That was the last I seen of him.

Q You didn't go into the dressing station? A No.

Q How long was he in your presence before you put him in the wagon? A It took half an hour before we could get a wagon, after he was hit.

Q In your opinion, was he conscious or unconscious at that time? A He was unconscious.

Q All the time? A Yes, sir.

Q Describe what his appearance was after he was struck?

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A Blood streaming out of his mouth and nose and shaking.

His face was all drawn up and he was muttering things.

Q Did you notice whether his skull was injured? A His what?

Q His skull; his head? A Why, yes; right across the eye is where he was struck. Of course, they done the best they could to stop the flow of blood.

Q Did you notice anything in particular about the wound on his head? A No.

Q Did you hear anybody make any remarks about his wound? A Just the medical man said, "You wouldn't probably see Jensen again." He thought it penetrated his skull and it looked pretty bad for him.

Q Were you in the presence of the medical man all the time during the time Jensen bled before he was put into the wagon? A Yes.

Q Who was the medical man? A The medical man? I think his name is VanWyrtten.

Q Is he here or abroad now? A I believe he is in the regular army. I believe he is still in the army. I don't know what regiment, but I understood that he has a year or so to do.

Q Are any one of those corporals here in this country? A I couldn't say. I believe they belong in New York, but where I don't know.

Q Is there any other man intimately connected or known by

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this defendant who is now in this country, so far as you know? A I didn't get that question.

Q Is there any other man who was in the service at the time the defendant was who is now in this country, so far as you know? A Why, yes; this man right here (pointing to a witness in the room).

Q What is his name? A Edward Grimes.

Q Was he present at the time the defendant was injured? A No; he was in the same regiment. He was in a different company.

Q Do you understand that he didn't see the defendant that day? A No.

Q Now, did you notice carefully the wound in the defendant's head? A Why, no; I didn't.

Q How close were you to him? A I helped to pick him up. He was behind a pile of tiles, and a shrapnel busted and we ducked and came up again for air, and we saw him stretched out and the tiles all scattered all over the road.

Q You were close enough to him, were you not, to notice if there had been anything particularly noticeable about the wound in his head? A It was a deep gash.

Q Did you notice whether there was anything about the wound that his brain was protruding from his head? A Only what the medical man said.

Q What did he say? A He thought it penetrated his brain. He said it was a deep gash and he thought, as he explained,

that he would kick.

Q The medical man didn't say that the brain was protruding from the wound? A No.

Q But he did express the opinion that Jensen was done for? A Yes.

Q You don't know anything about his stay at the hospital? A No; that is the last I saw of him until I met him here in the states.

Q You don't know of anybody who was in the hospital where he was? A No.

Q When did you first see him on this side? A The day of our party we had a banquet at the Pennsylvania. That was the day I seen him.

Q Now, tell us, if you know, anything about his personal habits while he was in the army? A Ordinarily he was a pretty clean fellow, until he got drink in him, and after he got drink in him, why, he done some very funny things.

Q Did he drink often? A Any time he could get it. Sometimes the sergeant would get it just the same as you could get it here.

Q Would you say that he was frequently addicted to alcohol? A Yes, sir.

Q Tell us what you observed about his actions under such condition? A Why, in the first place, the man didn't know what he was doing. We talked foolish. We didn't know what he was talking about, and he wanted to jump out of the outfit

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every time and he wanted to get into the medical branch of the service. He would come back a day later. He would take a shirt and if he felt like taking anything he would take it.

Q He was in the habit of picking up most anything around?

A Yes; when he was drinking.

Q But he would always return it? A Yes, sir;

Q As far as you know, he never took anything with the idea of stealing it? A No.

Q What was his appearance when he had not been drinking?

A Not much better than he is now.

Q Much better? A Not much better. He used to get sloppy, sloppy and careless. He didn't even care about washing or shaving himself when he was drinking.

Q When he wasn't drinking, what was his condition? A He would clean up the same as the rest of them would. He would shine up.

Q Did he appear to you to be perfectly rational when he wasn't using alcohol? A Yes, sir.

Q Did he seem to understand the orders that were given to him at that time? A Yes, sir.

Q Did he show any reluctance to disobey any orders? A No.

Q Was there any time when he was called upon to show any amount of courage in the service? A Any time in that respect he would jump right into it the same as the rest of them.

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Q Was there a time when he was called upon to display a certain amount of courage? A No, I don't think there was an occasion.

Q He wasn't in any immediate danger apparently? A There was always danger up there working on the road.

Q Were you shelled often in the service? A Yes, we were shelled continually.

Q When you saw him in New York the first time, when was that? A I don't know the date. About the 20th of April. I don't really know the exact date.

Q Did you notice whether his appearance was any different then than his service in France? A Yes; he looked thinner to me, and he had a yellowish look. He didn't look any too well.

Q Have you seen him since that time until now? A No, sir.

Q Have you heard from him? A No, sir.

Q Have you seen or talked to any one about him? A No; just my friend and I.

Q When was that? A When I got this subpoena.

Q You haven't heard of the trouble he got into until you got the subpoena? A No, sir.

Q When did you talk to your friend about it? A Saturday.

Q Did your friend know anything about the trouble he was in? A No; we couldn't imagine what they wanted us down here for.

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Q You didn't know what the object of it was? A No.

Q Did you talk to anybody else between ~~you~~ the time you got the subpoena and the time you started to testify to-day? A No, sir.

Q Do you know now what he is charged with? A I do not.

Q You never saw him in the saloon where you are employed?

A No.

Q Were you ever out with him at night over in France?

A Yes, sir..

Q Did he show any tendency to dissipate in any other way except to use alcohol? A I think there was an occasion - if there was a disorderly house, he would jump in it.

Q Then what you know of him, he was addicted to that sort of thing? A He was addicted to that; yes.

Q Would you say that he was beyond the average on that?

A When he could get a hold of it, he was.

Q Was that a subject that occupied a great deal of his mind, do you think? A Well, I don't know.

Q It seemed to you that he thought a great deal about the question of women? A I know he used to like them.

Q Have you any way of knowing how often he was associating with women? A Why, he would only be able to get a pass once a week, and he took opportunities every week to grab the pass, and he was always seen down there.

Q Where the women were? A Yes.

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Q Have you heard of him committing any crime of any kind? A No, sir.

Q You never knew of anything of that sort? A No.
BY COMMISSIONER STEVENS:

Q What kind of a fellow was he? Was he well liked?
A Why, yes; he was well thought of.

Q Went around with the boys? A Well, he didn't go around with a bunch. He never was much out with the gang. He would usually go out with two or three fellows.

Q Did he often go out alone? A I never seen him alone. He was always with some one.

Q He was good tempered? A Oh, yes.

Q Never showed any particular signs of anger? A No. I never heard of him getting into trouble with any of the bunch.

Q Was he anything of a butt with the boys? A What?

Q Did they make fun of him? A Oh, yes; they used to kid him quite often.

Q Who did? A They used to kid him.

Q In regard to what? A Well, I think he is a Swede and when he gets excited he used to get mixed up with his words and they kid him.

Q But you never noticed anything peculiar about his mental condition? A Only when he was drinking.

Q He was ordinarily a normal man? A Yes.

Q Well, now, when you saw him in April, was it? A April 20th. yes.

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Q About that time, did you notice any change in his disposition? A Well, I didn't have any chance to talk to him. I just said hello to him and asked him how his condition was, and he drifted from one table to another. He looked thin.

Q You didn't have a long talk with him? A No; I just called him Jensen, and he was on his way to hit the table.

Q Did you notice any difference in his speech? A He hesitated when he spoke. He had a kind of a quiver in his voice the last time, like a nervous man.

Q And he didn't have that before? A No.

Q He spoke readily before? A Yes, sir.

Q Was his memory good? A I didn't speak to him long enough.

Q I am speaking about before he was injured. His memory was good as far as you knew? A Yes; I think he was a little forgetful.

Q Did he forget any of his orders? A Why, yes.

Q Was he ever reprimanded for any of that sort of thing, or punished to your knowledge? A Dirty rifles and the way he kept himself; untidy in formation.

Q Then it was simply carelessness in regard to his personal affairs? A Yes.

Q There was no great lapses of memory? A Why, no; not that I have heard or seen.

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Q He was fairly quick to execute orders that were given to him? A Oh, yes.

Q He was about the average soldier? A He was a good soldier. I would call him a good soldier.

BY COMMISSIONER SILVERMAN:

Q When you reached here in New York, and during your conversation, did he recall names of his comrades and talk about the other men? A I don't think he remembered no.

Q Did he talk to anybody else? Did he ask for any one? A No, he didn't.

Q Did he call any one by name? A No.

BY COMMISSIONER MONTE SS:

Q Where did you see him on the 20th of April, or thereabouts? A At the Pennsylvania Hotel.

Q Where was he when you saw him? A In the dining room.

Q Were you in the dining room? A Yes, sir.

Q Eating both of you? A Yes, sir.

Q Same table? A No, he wasn't at our table. He was in civilian clothes. He was invited, I understand, by the Captain.

Q Who spoke first? A He came around from table to table, and he drifted to our table and shook hands, and said, "How are you and how are things," and shifted to another table.

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Q What would justify him from drifting around from table to table speaking about the fellows? A Glad to see them.

Q Who were the fellows; fellows he saw in France? A Our regiment; our men.

Q He recognized the company? A Yes, sir.

Q And knew that it was the company that he had been in France with? A Why, yes.

Q And after he went around and shook hands, apparently he didn't pick out any particular individual? A No.

Q When he spoke to you, did he call you by name? A He called me another name other than my own name.

Q Did you hear him call any one by the right name?
A No. After he left a couple of fellows remarked, "What's the matter with the Swede; he doesn't seem to know the names any more."

Q When you went into the dining room, did he come in as part of your company? A Why, no; he went in as an invited guest.

Q He was a guest? A Of the Engineer's Society.

Q That is how he happened to be there? A Yes, sir.

BY COMMISSIONER STEVENS:

Q You had not been mustered out? A No.

Q And he had? A Yes; he came back as a casualty.

BY COMMISSIONER MONTROSS:

Q How long did you talk to him at that time? A About

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a minute or two.

Q And you haven't seen him since until to-day? A That was the last time.

Q He didn't tell you anything in particular what occurred to him since he came home? A No.

Q Was Major Drew connected with the service in France? A He was our Captain.

Q He was your captain? A Yes, sir.

Q Afterwards he was made a Major? A Yes, sir; he was made a Major.

Q Was he intimately associated, as your captain, with you? A Why, yes.

Q Pretty near every day? A Every day.

Q And when you were out on the lines in regular service, he was with you? A Yes, sir.

Q Was he present at the time Jensen was injured? A No, I don't think he was.

Q You don't think he saw it? A No; he wasn't there. I am positive of it.

Q Have you talked to Major Drew since you came from France? A No, sir; I haven't seen him since. We got a report one time that he was dead. Nobody ever heard what happened to him until we met him here.

Q Didn't have any conversation with Major Drew about the incident itself at that time? A Personally, no.

BY DEFENDANT'S ATTORNEY:

Q Did you ever know the defendant to commit any act

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