



A black and white photograph of a forensic evidence marker. The marker is a white square with the number '452' handwritten in black ink. It is placed on a surface with a black and white diagonal striped pattern. The word 'START' is printed in large, bold, black capital letters above the marker, and the word 'CASE' is printed in large, bold, black capital letters below the marker.

START

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CASE

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COURT OF ORIGINAL SESSIONS OF THE PEACE,
IN AND FOR THE COUNTY OF NEW YORK,
PART II.

----- X
THE PEOPLE OF THE STATE OF NEW YORK:

Before

vs.

Hon. John W. Goff, R.,

JOHN D. HUNTER.

and a Jury.
----- X

Indictment filed June 16, 1904.

Indicted for Abduction. (Sec. 282, Sub-Div. 1, Penal Code.)

New York, September 12th, 1904.

APPEARANCES:

FRANCIS P. GARVAN, ESQ., Assistant District Attorney,

For the People.

C. M. KIRKFER, ESQ.,

For the Defense.

George F. Flack,

Official Stenographer.

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Mr. Garvan opens the case for the People.

MR. KIEWER: I ask your Honor to instruct the jury to disregard anything Mr. Garvan has said about rape, this being a case of marriage under the legal age of consent. The charge is that of abduction on that ground only.

MR. GARVAN: It is all part of the res gestae, and if I do not connect it later on, counsel can move to have it stricken out.

THE COURT: I will instruct the jury at the present time that the charge against the defendant is that of abduction, and is not that of rape, and that the question of whether or not the defendant committed rape upon the complainant has nothing to do with the question of the defendant's guilt or innocence of the crime of abduction; but if there was an act of force on the part of the defendant toward the young woman, and it formed part of the transaction, on the basis of which the District Attorney has moved an indictment charging the defendant with abduction -- if it formed part of the one transaction -- evidence may be given concerning it.

If not, the jury will disregard all suggestions made as to the commission of the crime of rape by the

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defendant.

HOLLIE E. MILLER, called as a witness on behalf of the People, is duly sworn.

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

ADJOURNED to Tuesday, September 13th, 1904, at 10:30 A. M.

Tuesday, September 13th, 1904, 10:30 A.M.

TRIAL RESUMED.

HOLLIE E. MILLER, a witness for the People, resumes the stand.

DIRECT EXAMINATION BY MR. GARVAN:

- Q What is your name? A Hollie Miller.
- Q And where do you live? A 10 West 134th Street.
- Q Whom do you live with? A My sister.
- Q What is your sister's name? A Mrs. Brown.
- Q Are you a working girl? A Yes.
- Q How long have you been at work? A Ever since I was nine years old.
- Q And at what have you worked? A Most anything.

Q Where were you employed before you met this defendant, Hunter? A Well, in several places, but I was just from Mrs. Adams', 2647 Broadway.

Q Where? A I were employed by Mrs. Adams at 2647 Broadway.

Q What was her business? A I was nursing for her.

Q Do you know the defendant Hunter? A Yes, sir.

Q And where did you first meet him? A I met him on 54th Street and Eighth Avenue. He walked up to me one evening when I were coming home from church; and he walked up in such a gentlemanlike way that I couldn't possibly insult him; and there was no reason why I should.

Q Nobody can hear what you say. A He walked up to me on 54th street and Eighth Avenue one evening when I was coming from church, and he approached me in such a gentlemanlike way that I couldn't insult him; there was no reason why I should.

Q Had you ever seen him before that time? A Why yes; I had met him several times and he always spoke so I thought I knew him all the while.

Q You knew who he was? A No, sir; I never knew his name until he told me his name that evening. He said he had tried very often to meet me-- to meet my sister and I-- but that he never met anyone that knew us, and he found out that that was the only way he could get acquainted with me, and he

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hoped I would not take it as an insult.

BY MR. KIEFER:

Q What do you say? A He said that he had tried very often to meet someone who knew us, but he could never find anyone that knew us, and so he found out that was the only way he could meet us, and he walked up to me in that way, and he said that he hoped that I would not take it as an insult.

BY MR. GARVAN:

Q Did he go with you to your home that night? A Yes; he walked with me. I lived on 59th street and that was on 53rd or 54th Street.

Q Did he go into your home? A No; he only walked two steps.

Q When did you see him again? A I went to work the next morning, and he came up to the house the next day, up to our apartments, and asked "was Miss Miller in?" And my mamma told him "No."

Q Whisper it to yourself. A She told him no; that I were at work; he asked when would I be in, and she told him in the evening. When I came home--

THE COURT: I understand that this was not in the defendant's presence. Do not have her testify to that. Strike that out.

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BY THE COURT:

Q Were you present when this happened? A No.

THE COURT: Do not say anything about what occurred when you were not present.

BY MR. GARVAN:

Q When did you see him again? A I saw him that same week.

Q Where did you see him? A At my home. He was there when I came home from work, and he had introduced himself to my mother and my sister, and was talking.

Q Did you see him after that? A Yes.

Q When did you next see him? A On Thanksgiving evening.

Q Where did you see him then? A He came up to my house.

Q And what did he say on Thanksgiving evening? A He was just talking, most anything that came up.

Q Did you see him after that? A Not till he came around quite often.

Q And did you know what his business was? A Well no, I did not then, but afterwards I learned that he was keeping an employment office.

Q And did you go to work for him? A No, not right away. He had offered me the position quite often, but I

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didn't go to work for him until May 16th.

Q Well, you went to work for him on May 16th; is that right? A Yes, sir.

Q And at what wages did you have an agreement to work for him? A \$5 a week.

Q And what were your duties to be? A Bookkeeper.

Q What day of the week was May 16th? A Monday.

Q At what time did you go to work on that day?

A 9 o'clock.

Q Now will you just speak up loud please and tell us what happened when you went to work for him on May 16th at 9 o'clock in the morning; and speak up loud? A When I went to work Monday morning he showed me all the duties.

Q What? A When I went to work for him on Monday morning he showed me all the duties, what I would have to do; and through all that week he treated me just as a bookkeeper.

Q Won't you speak up loud so that everybody can hear you? A I have never had to speak in a place like this, and didn't ever have to speak so loud.

BY THE COURT:

Q Do you wish to tell this Court and jury everything about this affair between yourself and this defendant? A I would like to.

Q Do you wish to tell them? A Yes, sir.

Q Do you wish, if this defendant has done wrong to you, that he should be punished? A Yes, sir.

Q You want that? A Yes, sir.

Q Now you see those twelve gentlemen there; if you expect those twelve gentlemen to judge correctly of your case you must speak out loud. They cannot do so unless they hear the testimony, can they? Do you expect those twelve gentlemen there in the jury box to determine whether you are telling the truth or not unless they hear what you say?

A No.

Q Now unless you speak so that the jurors can hear what you say I shall have to send you away from the witness chair, and then you will have to go out into the world and bear with whatever wrongs you have sustained or suffered from the defendant. We cannot waste our time here at every other question, urging you to speak up. A I am speaking as loud as I can.

Q Oh no; you are a young, healthy woman; you can throw out your voice and speak loud. There is no one here who is going to hurt you. We want to hear what you have to say. Unless you have something to say I will have to send you away from the witness chair; and do not let it be that I will have

to speak to you again. A (No answer.)

MR. KIEFFER: If the Court please I would like to ask that the other witnesses be excluded from the court room.

THE COURT: It is not necessary.

BY MR. GARVAN:

Q Go right on and tell what took place. Begin again at 9 o'clock in the morning when you went there on May 16th of this year. Speak slowly and distinctly? A (No answer.)

BY THE COURT:

Q One thing more, young woman. You see that gentleman farthest away in the box there, the twelfth juror?

A Yes.

Q Now direct your voice to him; talk to him; and if you talk to him all the other jurors can hear you. Talk to him so that he will hear you. A Well, when I went to work Monday morning May 16th I worked for Mr. Hunter as bookkeeper and he treated me all the week just as he would treat any other bookkeeper; but on Saturday May 21st he went away that morning and he telephoned up about 3 o'clock -- I was due home at 2 o'clock; supposed to leave the office at 2 o'clock, but I waited to turn in the money that I had collected during the day, and he telephoned up about 3 o'clock

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for me to wait at the office until he came; and I thought by that that he wanted me to turn --

Q Do not say what you thought; just what took place?

A Well I waited because I thought -- I waited because I expected to turn in the money that I collected, and also to get my money for the week, because I did not expect to come back any more, because I had been nervous, in a very nervous condition all the week.

BY MR. GARVAN:

Q Never mind that. Tell what happened when he came in?

A When he came in he slammed the door and said "I have asked you to marry me several times and made offers of all kinds and you won't accept any of them; now you have got to do just what I want you to do."

And he came in in such a way and started so funny that I didn't believe that he meant it.

BY THE COURT:

Q Never mind that. Strike that out. Was there anyone there when he came? A No.

Q Tell the jury what sort of a place this was?

A Well, it is a single flat house, only one flat on the floor, and I think there are seven rooms and a bath, and he had the two front parlors for his employment use, and the

back parlor was for the ladies, whoever came in to employ help, and the front room was for the girls to sit in; and that morning he told me he had put up a bed in there, because he was overcrowded the night before, and to not open up the room to any ladies that came in; so of course I never opened the room.

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

THE COURT: Oh no; he told her that.

A JUROR: A little louder.

A I never opened the room that morning; at least there was not any ladies that came in; and after he came in and told me that he had asked me to marry him and that I would not, he said that now I had to do what he wanted me to do; and the shades were up at the time.

MR. KIEFER: Don't speak any further. I object to this. It is entirely irrelevant to the crime charged.

THE COURT: I overrule the objection.

MR. KIEFER: I ask respectfully for an exception if your Honor please.

THE COURT: Yes.

BY MR. GARVAN:

Q Go right ahead. A (No answer.)

BY THE COURT:

Q What was the first word he said when he came into the

room? A When he first came in he said -- the first I can remember he said "I have asked you to marry me several times and you objected."

Q Was nothing said about the cash that you had taken in?

A No; but I had the money in my hand and I handed it to him and he said "Never mind about the money;" and I handed it to him again and then he put it in his pocket and pulled out another roll of money and flopped down in a chair and commenced to tell me what he was going to do with me.

Q What did he say? A He came over the same thing:

"I have made you offers of marriage and you would not accept anything; and now you have got to do just what I want you to do;" and I told him I would scream if he attempted to do anything, but he commenced to undress and he said "You can scream all you want to, and if anyone should come to your rescue they can see what I am going to do".

Q How about the door? A The door has a metal lock on it and it is very hard to get unlocked, but I never got near the door.

Q Did the defendant do anything to the door? A No; he only slammed the door.

Q Was the door open or closed? A The door was closed. He slammed the door when he came in.

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Q That is what I want to appear. was this in the front parlor? A Yes; and when he went to pull down the shades I ran for the door and he ran and slammed it back and told me, "No, I was not going out of there;" and he undressed himself and then took hold of me and started to undress me, holding me with one hand and undressing me with the other.

He took off my clothes and took my clothes and locked them in the desk. Then he tried to get me across the bed.

MR. KIEFFER: I most seriously object to any testimony of this kind. It is not part of this transaction. They are separate crimes, if they occurred.

MR. GARVAN: We will show that it was all one transaction.

THE COURT: I will overrule your objection.

MR. KIEFFER: Exception.

BY THE COURT:

Q Go on now and state? A And he couldn't coax me of course, and he picked me up and threw me across the bed.

THE COURT: Strike out "and he couldn't coax me of course".

Q Well, go on. A And he raped me.

THE COURT: Strike that out.

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BY MR. GARVAN:

Q Just say what he did? A Well he did.

Q Did he get on top of you? A Yes, sir.

Q Did he put his parts into yours? A Yes.

Q And then tell what happened? A After that?

Q Yes; after that were you still undressed?

A Yes, sir.

Q Did he take off all your clothes? A No; he only took off my top clothes and locked them up in his desk.

Q Only your skirt and waist? A He took off my jacket and hat and waist and skirt and locked them up in his desk.

Q What clothes did he have off himself? A He had off all of his clothes but his shirt.

Q Now what happened after he got up from on top of you? A He got up and dressed himself and went out and pulled the two folding doors. He went out of the room I was in after he had dressed himself and pulled the two folding doors together and hooked them and went on out. Of course I was undressed and if the doors had been opened I surely would not have gone into the street then.

THE COURT: Never mind that.

BY MR. GARVAN:

Q In what condition were you? A What do you mean?

Q Was there any blood on you? A Yes.

Q And what happened? A He had gone out.

Q Did you dress yourself? A Why, no; I couldn't dress myself; my clothes were locked up in his desk.

Q And how long was he gone? A He was gone just about an hour I guess.

Q And did you do anything to attract attention in the meantime? A Well I couldn't do anything to attract attention. I was in this back room and he had it hooked. I cried until I couldn't cry any longer, and thought then that it was just as well to stop.

Q Did he tell you what he was going to do when he left you? A No.

Q Did he tell you how soon he would come back?
A No; he never said anything to me.

Q And how long did you expect to stay there? A Till he gave me my clothes and let me go out.

Q You say he was gone about an hour? A About.

Q And with whom did he come back? A He did not come back with anyone. He came back alone.

Q This was about 4 o'clock in the afternoon or later?

A Well, I couldn't say. I never seen the clock.

Q And what did he tell you when he came back after an

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hour? A He came in -- he didn't tell me anything. He came in and commenced to talk about silly things. He didn't say anything particular about anything. He was just talking.

Q Did you ask him for your clothes then? A Yes; I begged him for my clothes all the while.

Q And did he go away then? A Yes; later on he went out again and there was a dinner brought in.

Q Did he have any further connection with you the second time he came in? A No.

Q And you say there was a dinner brought in there?
A Yes, sir; and he told me to go out and eat dinner. I hadn't eaten anything since breakfast, and I didn't want anything, but he sat down and ate heartily.

Q What happened after that? A Well, he went out again, and when he came back he was coming out of the back -- he came back there in the room where I was; then he went out in the back to fill up some lamps; and when he started back to the front he met my sister in the hall. She said it was about half past six, and she asked "Where is Hollie?"

MR. KIEFER: I object to this.

BY MR. GARVAN:

Q Did you hear it? A No; I was in the back room.

Q When did you see him again? A See whom?

Q This man (indicating defendant). You didn't know

your sister was out there? A No. In a little while he came into the back room and said -- there were two men came into the front and he said something to them, and then he came into the back room where I was and says to me, "Come out here; I want you to sign a paper;" and I asked him what kind of a paper it was; and he said "Don't ask so many questions; just come on out."

I said, "No, I won't sign a paper unless I know what it is;" and he said "You said you would not do a lot of things that I made you do; I have drank just enough to blow your brains out anytime." I said "I can't go out to those men;" but he insisted and said I must go out; and so I went; and after I see this marriage contract I said, "I won't sign it;" and he said "You will sign it;" and I signed it and went on back and got my clothes and got home near 8 o'clock.

BY MR. KIEFER:

Q Whose brains did the defendant threaten to blow out?

A My brains of course.

BY MR. GARVAN:

Q Did you see him again after that night? A Well, he came over that night to our house and knocked at the door, and my sister says "very sorry, Mr. Hunter, but we don't care for any company to night".

MR. KIEFER: I object to that.

(No ruling.)

A (Continuing) He said "All right;" and he went away and came back with a policeman and knocked at the door. This was about 11 o'clock, or almost.

MR. KIEFER: Was she there?

BY MR. GARVAN:

Q Were you there? A Yes; and mother says "Who is that?" The officer says "I am an officer; open the door."

Mamma says "What do you want; have you got a warrant?" He says, "No, but open the door"; and he came in and said to me "Why don't you go home with this man? You are married to him;" and he said I ought to go home with him; and mamma told him "No."

MR. KIEFER: I object to that.

THE COURT: It does not matter.

MR. KIEFER: But I seriously object to it.

THE COURT: Well, I sustain your objection.

BY MR. GARVAN:

Q Did you see him again after that night? A He came u
up each day until Tuesday after that, and he knocked on the
door and mamma said "You might just as well go away from the
door, because you are not coming in".

Q Do I understand that he visited you on Tuesday?

A No; he came to the door and knocked on the door, and mamma said "You are not coming in;" and I told mamma that I thought he was standing outside the door.

THE COURT: No; do not say what you told your mamma.

BY MR. GARVAN:

Q When was he arrested? A I don't know exactly. Wednesday evening -- no, it was not Wednesday evening that he was arrested; we went up to the counsel's.

Q Did your mother ever consent that you should marry this man? A There was never no talk about marrying that man; therefore there couldn't be such a thing.

Q Just answer my questions, if you will. Did your mother ever consent for you to marry that man (indicating defendant)? A No, sir.

Q How old are you?

MR. KIEFER: I object.

THE COURT: I will allow it.

A I am sixteen.

BY MR. GARVAN:

Q When were you sixteen? A The 2nd of March.

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CROSS EXAMINATION BY MR. KIEFER:

Q You say you have work at "most anything" for the last nine years, or since you were nine years old? A Yes, sir.

Q Then you were not a bookkeeper when you went to his office? A I were a bookkeeper.

Q Before that? A No, no; not before that.

Q You say you met him at 54th street and Eighth Avenue without an introduction? A Yes, sir, without an introduction.

Q Is that your custom to meet men without introductions? A No, because I don't know any men.

Q That is all; "no" is an answer. You say he was at your house on Thanksgiving evening? A Yes, sir.

Q Did you entertain him; was he there at dinner? A No, sir.

Q He was there in the evening? A Yes.

Q Then you said you went out with him quite frequently, did you not? A No, I did not.

Q How often did you go out with him? A I have only gone ~~out~~ with him twice.

Q And when were those times? A On Thanksgiving evening he carried me to Dr. Cooper's; and one evening --

BY MR. GARVAN:

Q Who is Dr. Cooper? A He is a doctor, is all I

know; he lives across the street from him (indicating defendant); and one night later on he carried me down to Nail's restaurant.

BY MR. KIEFER:

Q Where is that? A Sixth Avenue.

Q Near what street? A 26th Street.

Q A cafe and restaurant? A Yes, sir.

Q You were acquainted with him then about a year altogether, were you? A I suppose so.

Q And after he called the first time you gave him permission to call again, did you not? A No, I did not. He called when he felt like it. He did not ask leave.

Q Now, did he ever ask your mother's permission in your presence to marry you? A No.

Q He never asked your mother in your presence to marry you? A No.

Q Didn't Hunter ask your mother, when you were not present, and you asked him what she said? A No.

MR. GARVAN: How does she know?

MR. KIEFER: Well, I put it.

Q Do you know whether he asked your mother for permission to marry you? A No.

Q Did you ever ask him whether he did ask your mother for permission to marry you? A No.

Q You swear to that? A Yes, or I wouldn't say it.

Q Do you know what an oath is? A Yes.

Q You know that you will have to answer on the Last Great Day? A I expect to answer on the Last Great Day.

Q Did you ever agree to marry him? A No.

Q What did you say when he asked you to marry him?
A He didn't ask me to marry him.

Q He never asked you to marry him? A The only time he spoke of marrying was in my mother's presence. He wouldn't be talking --

Q So he did ask you?

MR. GARVAN: Let her finish.

A He simply would be talking about marrying. He wanted to marry everyone. He wanted to marry my sister as much as me. We took it as a joke.

BY MR. KIEFFER:

Q So he did ask you and asked you in your mother's presence to marry him?

THE COURT: Now "What did he say?"

MR. GARVAN: Just say what he said.

BY THE COURT:

Q Tell us what he said in your presence to your mother, as near as you can recollect? A He would simply say "Don't you ever expect to marry anyone?" or just be talk-

ing about marrying. He wouldn't exactly ask me to marry him, but then he would come to the conclusion "Won't you marry me?"-- simply say it in fun. No one ever took it sincerely.

BY MR. KIEFER:

Q How often did he do it, just for fun? A Well every time he came around.

Q And he was around there lots of times wasn't he?

A No, he was not around there lots of times.

Q Did you ever send him a letter asking him to call there? A Once I called there and didn't see him and I sent for him and asked him to call over.

Q So you did not mean what you said at first, that you never asked him to call at the house? A Well, that was on business.

Q How often did you call at his office? A I never called at his office at all.

Q Never at all? A No, only when I went there to work.

Q How did you come to get the job; did he come after you and give you the job? A He always spoke of the job when he was around.

Q Spoke of the job and of marriage when he was around?

A Yes, sir.

Q (Handing letter to witness) Now I show you this letter -- well, I offer it in evidence, Mr. Garvan.

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MR. GARVAN: (After examining) I consent
to its going in evidence.

BY MR. GARVAN:

Q Did you write that letter? A (After examining)
Yes, I wrote that letter.

The said letter is admitted in evidence and
marked Defendant's Exhibit A.

MR. GARVAN: Read it.

MR. KIEFER: (Reading):

"228 W 62nd St. Sunday.

Mr. Hunter,

I was over Saturday evening, asking for you,
but received a very short answer from the girl, so
I thought of writing you to come over, I told her who
I was but I am quite sure she never told you. She
said you were out. I would like to see you come over
tomorrow about 1 or 2 o'clock.

H. E. M.

May 1st 1901."

Q Now then you did ask him to go over? A Yes; and I
remember the evening I went over there. I went over to see
him about a position, because I did not have time to see him
in the day time, and the girl gave me a very short answer--

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not a short answer exactly -- and asked what I wanted, and I said "I would like to see Mr. Hunter".

Q Then you did go over for a job? A Yes.

Q You first said that you did not go there for a job at all. before he took you to dinner that night did you make an arrangement for him to buy you a hat? A No.

Q Didn't he buy the hat on your head? A No; he couldn't buy a hat for me.

Q Where are the flowers that were on that hat? A There were never no flowers on this hat.

Q Where did you buy that hat? A At Reinhurst's.

Q Was your mother present when you consented to go to the dinner? A Yes, my mother was always present when he was around.

Q And didn't you refuse on this occasion, in the presence of your mother to go to dinner unless he bought you flowers for your hat? A Why, no.

Q Now are you telling the truth? A I am not supposed to tell anything else.

Q Quite true. Now when you went to this dinner were you introduced to anybody? A No, I was not.

Q Do you know Mr. Nail? A No, but he said I was introduced as his intended.

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MR. KIEFFER: I object to that.

(No ruling.)

Q Did Mr. Nail pass any check for him; do you know?

A No.

Q How did he (indicating defendant) pay for the dinner?

A I don't know that.

Q Did you ever tell Hunter that you would marry him, and that your mother said you could choose whomever you wanted? A No, but my mother allowed me to choose whom I am pleased to, but I never said I would marry him (indicating defendant).

Q So your mother is not an interested party?

A No, not in who I want.

Q On Saturday May 21st what did you tell Hunter you wanted him to do before he married you? A We never had any talk about marrying.

Q Never had any talk about marrying? A No, not on May 21st.

Q Did you agree to marry him on the morning of May 21st if he gave you a check for \$2,000? A No; he hasn't got \$2,000.

Q Did you wear his ring, what was his wife's wedding ring? A No.

Q You never saw it? A No.

Q Never fought for it? A No.

THE COURT: What is that you say, Mr. Kiefer?

MR. KIEFER: Mr. Hunter is a widower. His wife died some years ago, and this complainant wore his wife's wedding ring.

MR. GARVAN: So you say.

THE WITNESS: I never wore no ring.

THE COURT: I wish to have it understood. When you said "his wife", I wanted to know how many wives he had.

MR. KIEFER: No; she is dead -- his first wife.

Q Did you ever send him to purchase a silk dress for you? A No.

Q What did you telephone him on Saturday morning when he telephoned ~~him~~ from Nail's that he would be up there at three o'clock or two o'clock? A Only told him I would wait.

Q Did you tell him to go up quick? A No. When he telephoned me to wait I told him "All right."

Q That will do; if you didn't just say so. Now about this house, Hollie. You say it is a flat house. How many flats in this house? A I don't know that.

Q But more than one; you know that? A One on one floor; I know that.

Q And how many floors are there? A I don't know.

Q Are there two? A Oh, there are more than two.

Q Now, you say that some men came into the outer room and you heard those men; is that right? A Yes.

Q Where did your sister come? A I told know. He told me that she came around the door.

Q But you couldn't hear? A No.

Q Didn't you tell Hunter to tell your sister that you had gone home? A No.

Q You couldn't hear her? A I can hear, but I didn't hear her.

Q But you heard the men in the same room, A Well, the door was open; I could hear them.

Q What did you do all the time after Hunter left you, after the things occurred that you allege? A I cried.

Q How long did you cry? A As loud as I could.

Q Were the windows closed that day? A Yes.

Q How do you know that? A Because there was only one small one in the air shaft, and that was down.

Q When he came into the office and slammed the door as you say were the windows closed? A No.

Q They are always open? A Yes, sir.

Q Right opposite Mr. Hunter's place is a doctor's office, is there not? A Yes, sir.

Q The doctor that you met? A Yes.

Q There is a telephone, too, is there not?

A Yes, sir.

Q Now tell the gentlemen of the jury again how this door closed -- how it locks, rather? A It locks with a metal lock.

Q That is, a spring lock on the inside? A Yes.

Q Tell the gentlemen of the jury too where these windows were open, what they were fronting on, what street?

A 59th street.

Q And what part of 59th street is that; between Eighth and Ninth Avenues? A Yes.

Q Now did your mother ever ask Hunter to employ you?

A No.

Q She did not? A No.

Q How did you ever come to go into his employment at all. Tell the gentlemen of the jury just what occurred?

A Well, he offered me the position and the work that I were doing was quite hard and I thought I would take it, because it would be easy for me and I was not very strong, anyway, and

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that is how I came to take it.

Q Now at the time that those men came, what did you say to those two men when you signed this paper? A I never said anything to them.

Q But one of them told you it was a marriage contract?
A I saw it was a marriage contract.

Q Oh, you saw it? A Yes.

Q And yet you never said anything to those men?
A No.

BY THE COURT:

Q Did you read the paper before you signed it?

A I saw it was a marriage contract; I never read it.

Q Tell me what you did with the paper-- was it in print or writing? A Some of it was in print and some in writing.

Q And what words did you read on the paper? A I don't remember now.

Q Then how do you know it was a marriage contract?
A Because it was on the top of it that it was a marriage contract.

Q Then you saw the words "Marriage contract"?
A Yes, sir.

Q Did you see anything else on it? A I read it after

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I got home.

Q I mean at the time you signed it -- was it already prepared? A Yes, sir.

Q Do you know in whose handwriting? A Why, I suppose in Mr. Raven's.

THE COURT: Strike that answer out.

Q Who signed the paper first? A Mr. Hunter.

Q The defendant? A Yes, sir.

Q Were you standing when he signed it? A I was standing at the desk.

Q Where did he get the pen? A Off his desk.

Q And after you signed it did he write his name in full? A Yes, sir.

Q And where were you at the time? A I was standing by the desk.

Q Then what occurred? A When he got up he told me to sign my name.

Q What did you do? A Signed my name.

Q You sat down at the desk? A Yes, sir.

Q Who were there? A Mr. Revans and another man.

Q Then there were two men there besides Hunter?

A Yes, sir.

Q Did either of those men say anything? A No, sir.

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

Q Not a word? A No, sir.

Q Did they come in with Hunter? A No, sir.

Q How did they come into the room? A He led them in.

Q Did he have the paper before they came in? A No, sir; they brought it in.

Q They brought in the paper? A Yes, sir.

Q Did you hear him say to them anything? A When they came in the door he said something to them, but I couldn't hear -- didn't understand.

Q What was done with the paper after he signed it?

A Why, there was two of them.

Q Two papers? A Yes; he was given one and I were given one.

Q And you signed two papers? A Yes, sir.

Q What did you do with the one that he gave you?

A Carried it home to show my mother what I did.

THE COURT: Have you that paper, Mr. District Attorney -- the one she carried to her home?

MR. KIEFER: Yes, you have it, Mr. District Attorney. I saw it with the papers; I saw it down stairs.

(The People's counsel produces the paper asked

for and it is marked "For identification People's Exhibit No. 1".)

RE-DIRECT EXAMINATION BY MR. GARVAN:

Q I show you People's Exhibit No. 1 for identification and ask if that is your signature? A Yes, sir.

Q And I ask you if that is one of the papers that you signed on the 21st day of May as you have described in your testimony? A Yes, sir.

MR. GARVAN: I offer that paper in evidence if your Honor please -- but first one question.

Q Did you see who wrote that "John D. Hunter"?

A Yes, sir.

Q Who wrote it? A John D. Hunter.

Q The defendant here? A Yes, sir.

MR. GARVAN: I now offer it in evidence.

Admitted in evidence and marked "People's Exhibit No. 1".

THE COURT: I wish to ascertain if she saw the defendant write anything on that paper before she signed it.

BY MR. GARVAN:

Q Did you see the defendant write anything on the paper

before you signed it? A No, sir, nothing but his name.

People's counsel reads the said paper, People's Exhibit No. 1, to the jury.

RE)CROSS EXAMINATION BY MR. KIEFER:

Q What did you do, Hollie, before you went out to sign that paper; did you comb your hair and fix yourself and make your toilet? A No; I went out just as I was.

Q But you put on your clothes first? A No, I did not put on my clothes first. My clothes were locked up in the desk.

Q Do you know a Dr. W. L. Stowell, of 73rd street, No. 116? A No.

Q Did you have a letter of introduction to him?
A No.

Q Stating that you wanted to see him about a trouble in connection with the defendant? A No.

Q You did not? A No.

Q Are you telling the truth? A Yes, I am.

Q Who were these men who were present; did you know them when you signed this contract? A No.

Q You don't know who they are? A No, I don't know.

Q Didn't you know that they were lawyers? A No.

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Q When they were in there you could have gone out in the street, could you not? A Well, I wouldn't have gone out without my clothes.

Q But you didn't say anything to them? A No.

BY MR. GARVAN:

Q Were you a virgin before that day?

MR. KIEFER: I object to that as immaterial.

THE COURT: Yes; I sustain the objection.

BY THE FOURTH JUROR:

Q When Mr. Hunter came and asked you to go in and sign that paper didn't you object to not being fully dressed?

A Yes, sir.

Q What did he say then? A When I asked him what kind of a paper it was he said "Don't ask so many questions".

Q But what did he say to your objection about not wanting to go in unless you were fully dressed? A He said "I have made you do a lot of things that you have not wanted to do, and I have drank just enough to blow your brains out; so come on and sign it".

BY MR. KIEFER:

Q Did you see a revolver there? A No.

THE COURT: It is immaterial whether she did or not.

MR. KIEFER: All right.

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MRS MARY MILLER, called as a witness on behalf of the People, being duly sworn, testified as follows,

DIRECT EXAMINATION BY MR. GARVAN:

Q Mrs. Miller, what is your first name, please?

A Mary -- Mary Miller.

Q And where do you live? A I live at No. 10 West 124th Street.

Q And how many children have you, Mrs. Miller? A I have two here. I have living, but there is only two of them here in New York.

Q Where are the other three? A Two of them are in Arkansas, and a boy I don't know where he is; in California somewhere.

Q Have you a daughter named Hollie Miller? A Yes; my baby -- my youngest daughter.

Q And that is the girl who was just on the witness stand? A Yes. That was her.

Q And how old is Hollie? A Sixteen on the second day of March.

Q Of this year? A Yes, this year.

Q Do you know this defendant John D. Hunter? A I know him when I see him. I have never had no personal acquaintance with him. He has been to my house several times, just coming in and out.

BY MR. KIEFER:

Q Speak out? A He has been to my house several times; came on his own accord. I never invited him there in my life.

BY MR. GARVAN:

Q Did you ever consent that your daughter Hollie should marry this John D. Hunter? A Never had no cause to.

Q Did you ever -- A I never consented.

Q That is all you are asked. Is Hollie's father living? A He is dead; he died when she was no more than a year old; I don't know as she was a year old.

CROSS EXAMINATION BY MR. KIEFER:

Q Your daughter testifies that you told her that she could make her own choice so far as marrying any one was concerned; is that true? A I have always told my children that, but there never was no talk about marrying that man (indicating defendant). Now that is the truth.

MR. KIEFER: That is all I asked you.

MR. GARVAN: Just answer what he asks you.

BY MR. KIEFER:

Q Well Mr. Hunter was there on Thanksgiving evening.

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Do you recall that? A Yes; I remember that he came -- I think that is the first time I ever saw him, was that evening.

Q And were you with your daughter when he came up and spoke to her on the street? A No; my daughter was coming from church. If he had been a gentleman he wouldn't have done it.

MR. GARVAN: Now just answer the question.

BY MR. KIEFER:

Q How often was Mr. Hunter at your house? A I don't know; he never came to my house many times; I don't know as he has been there a dozen times.

Q Will you answer so that the jury can hear you?

A I don't know as he has been there a heap of times. He came hunting somebody for employment.

Q What? A He came to hunt people for work.

Q Why did he come to your house; why would he go to your house for that? A My children had to work. One of my daughters had asked him for a job once, but she never got it.

MR. KIEFER: She got it finally.

MR. GARVAN: Yes.

BY MR. KIEFER:

Q Now on this occasion that they went out for dinner;

do you recall it? A I remember she went out with him one evening somewhere to dinner. That was the conversation when he came, to both of them.

Q What was said about flowers that night? A I know nothing about the flowers. That is for him to say.

Q If you know nothing about them, say so? A Well I don't know nothing about them.

Q Now you sent your daughter over to Mr. Hunter's office for work? A He hired her to work for him.

MR. GARVAN: That is all; just stop right there.

BY MR. KIEFER:

Q Did you send her? That was my question? A She went to work for him when he hired her.

MR. KIEFER: You don't want to answer?

MR. GARVAN: We will have the speechmaking afterwards.

BY MR. KIEFER:

Q How many times did Mr. Hunter eat at your house?

A I don't know. He eat any time he came in and we were eating. He may have eat there once -- well I don't know; I never paid no attention to that.

Q Did you ever express any opinion about Hunter; ever tell him yourself that you liked him all right and that it

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would be satisfactory to you if he got into your family?

A I did not, but while --

MR. GARVAN: That is all.

BY MR. KIEFER:

Q Did the Rev Mr. Brooks talk to you about Mr. Hunter marrying your daughter? A Yes, after Mr. Hunter had --

MR. KIEFER: That will do.

MR. GARVAN: She means to say after this happened.

BY MR. KIEFER:

Q How do you know that your daughter is sixteen years old? A Well, I have got her age.

Q What? A I have got a bible with her age in it.

Q Is it here? A It is not here. You ought to have told me if you wanted it and it would have been here.

Q When were you born? A I don't know exactly my age. I think I was born in 1858.

Q What year was the girl born in? A She was born in 1888.

Q In 1888? A Yes sir.

Q What else occurred in 1888 that you know about?

A Oh I don't know; I have had so much to contend with since then that I didn't keep up with things.

Q But you do know that she was born in 1888? A Yes,

I do know.

Q Did you look that up since? A When I look at her age I guess I can tell when she was born.

Q How old is your youngest daughter? A This other one is about 21 to 22; I don't know exactly. I wouldn't know unless I looked.

Q And you had how many children altogether? A I have three dead between these two. I didn't name the dead ones. I named the ones that was living.

Q In what year was the other one born? A I don't know that unless I would go and look it up.

Q Did you look it up in this case? A Yes.

BY MR. GARVAN:

Q They are all in the bible aren't they? A Yes, they are all in the bible.

MR. KIEFER: Well I object to her testimony in regard to the age, and I ask that it be stricken from the record. She says she has looked this up. She doesn't know of her own knowledge, if the court please.

THE COURT: Do you mean to say that a mother has no knowledge of the age of her child?

MR. KIEFER: But she has testified that she

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doesn't know of her own knowledge; that she has looked it up in the bible.

THE COURT: As a mother does she not know the age of her child?

MR. KIEFER: She does not know her own age, if the Court please.

THE COURT: That does not follow, because she does not know her own age that she does not know the age of her child.

MR. KIEFER: If the Court will pardon me, I think it goes to her credibility.

THE COURT: That is another question, but her testimony as to the age of her child is competent.

MR. KIEFER: She does not seem to know the age of any of the rest of her children, the children that she has had.

THE COURT: That is a question upon which I cannot pass. I simply pass upon the competency of her testimony. The quality of her testimony is a question for the jury to determine.

MR. KIEFER: I respectfully ask for an exception.

THE COURT: An exception to what?

MR. KIEFER: An exception to her statements

becoming part of the record in regard to the age of her daughter, on the ground that she has testified that she doesn't know of her own knowledge, but has looked it up in the bible, and the bible is not here.

BY THE COURT:

Q Have you no recollection, madam, as to the age of this girl? A How is that?

Q Do you remember when this girl was born? A Sure I remember, but I told you I never kept no account of the ages.

Q Now do you know how old she is? A Sixteen years old the second of March past.

Q How do you know that? A I know it because it was kept account of, set down like I have to know about my age and all the rest of the family.

Q Do you know the day on which she was born? A I don't believe I know the day. You mean the day of the week?

Q Yes? What day of the month? A Oh, she was born on the second day of March.

Q Now in what year? A Well it was 1888.

Q Do you belong to a church? A I belonged to a

church before I moved to New York, but I haven't joined it since I have been here, because I intended to go back to my home.

Q Where were ~~she~~ born? A Yorkville, South Carolina.

Q Did you belong to the church there? A Yes.

Q And have your children been baptised? A Yes.

Q Was she baptised there? A No; in the West, as a baby.

Q Where? A In Arkansas.

BY MR. KIEFER:

Q What day of the week was she born on? A I told you I didn't remember the day she was born on.

MR. KIEFER: If the Court please --

THE COURT: I will let the evidence stand.

MR. GARVAN: If the defense is that this child is not under eighteen years of age I will prove it till he is tired.

MR. KIEFER: You have alleged it. Prove it.

MR. GARVIN: I will prove it.

THE WITNESS: I have a daughter here; I can send and get the book.

MR. KIEFER: Will the Court grant me an exception?

THE COURT: Yes.

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BESSIE BROWN, called as a witness on behalf of the People, being duly sworn, testified as follows,

DIRECT EXAMINATION BY MR. GARVIN:

Q You are Hollie Miller's sister, are you? A I am.

Q Do you remember the 21st day of May of this year?

A I do.

Q Did you go to the office of John D. Hunter on the 21st day of May? A Yes sir.

Q Will you just tell the jury what you saw and what your experience was at that office? A On the 21st of August, it was --

Q The 21st of May? A Of May -- I came home about six o'clock and Mamma was quite uneasy about Hollie.

MR. KIEFER: I object to that.

THE COURT: Yes; strike it out.

BY MR. GARVIN:

Q Your mother sent you over there? A Yes; she was quite uneasy because she was supposed to be home at two o'clock.

MR. KIEFER: I object to that.

THE COURT: Yes.

A (Continuing) -- and she was not there, and Mamma asked me if I would go over and see about her. So I dressed, and it

was 25 minutes after seven when I got to the office; and I met him (indicating defendant) coming out of the back door with a lamp in his hand. I supposed he had filled the lamp.

MR. KIEFER: I object to this.

THE WITNESS: You asked me to tell what I know.

BY MR. GARVAN:

Q Just answer my questions, please. You met him with the lamp? A Yes sir.

Q What conversation did you have with him? A I simply asked him "Where was Hollie?" And he said "I don't know; she is supposed to go home at two o'clock"; and I says "I just left home and she was not there; she didn't go home and we are quite uneasy about her".

Q And what did he say? A Well he said he didn't know where she was; that she left there at two o'clock.

(No cross examination.)

SAMUEL G. GARVANS, called as a witness on behalf of the People, being duly sworn, testified as follows,

DIRECT EXAMINATION BY MR. GARVAN:

Q Mr. Garvans, what is your profession? A Lawyer.

Q How long have you been a lawyer? A About 25 years.

Q Where is your office? A 338 West 59th Street.

Q How long has your office been there? A Eighteen years.

Q Is there a partner whom you practice with? A No sir; that is my son.

Q Were you visited on the 21st day of May by John D. Hunter? A I was.

Q And what conversation did you have with him at that time? A He came to my office about seven o'clock in the evening and said he was going to get married and asked me to draw up the contracts, giving the name of the young woman; which I did. About three o'clock --

Q Did he give you the address of the young woman also?

A At that time, yes -- 321 West 59th Street.

Q He gave you the address of the young woman as being the same address as he gave for himself? A Exactly.

Q And that you set down in the contract, "Hollie E. Miller, 321 West 59th Street"? A Yes sir.

Q Did you inquire of him the age of the girl? A I

did not, no.

Q Did you see the girl? A I saw her, yes.

Q Did you inquire of the girl whether she was under eighteen? A I did not, no sir.

Q Now then, you and your son and John D. Hunter, immediately upon the drawing up of the contract, went to West 59th Street, did you not? A I went to his flat, yes sir.

Q What room did you enter in that flat? A On the first floor.

Q In what room? A The front room.

Q Was there anyone in the room when you entered it?
A Nobody but Mr. Hunter.

Q Was this girl Hollie Miller afterwards brought in?
A After he signed his name he called her.

Q How was she dressed? A As usual I suppose; she was not undressed at all.

Q I don't care for your suppositions? A She was not undressed.

Q You are sure of that? A Yes sir.

Q What do you say, sir? A Hunter, after he had signed his name, asked her to sign, which she did.

Q Did you sign? A Not until after she had signed, when I handed her the contract I then told her that was

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her marriage contract.

Q You signed and witnessed the contract? A I signed and witnessed the contract.

Q And your son signed it? A And my son signed it.

Q And that (handing paper) is the contract? A That is the contract, yes sir.

Q Did you ask her anything about her past or who she was? A No.

Q Do you ask him about who she was? A No I didn't ask him.

CROSS EXAMINATION BY MR. KIEFER:

Q Mr. revans, did you notice the condition of the girl that evening? A Yes sir.

Q Was there anything unusual about her? A Nothing that I saw.

Q Did she hesitate, did you notice, to sign the paper?
A She made no objections; she came forward and signed the paper.

Q How do you fix the time, please, Mr. revans? A How do I fix it?

Q Yes? A I was in my office and looked at the time.

Q Do you know Mr. Hunter for any length of time? A I have known Mr. Hunter by sight and seeing him in the neigh-

borhood for about two or three years.

Q Do you know other people that know him? A Yes sir.

Q Have you ever had occasion to talk to those other people in regard to his reputation for honesty? A No sir, I have not.

Q Do you know his reputation?

THE COURT: Oh, his honesty is not in question here.

BY MR. KIEFER:

Q His reputation for good character then? A As far as I know --

MR. GARVAN: Now --

THE COURT: No no.

BY MR. KIEFER:

Q How often did Mr. Hunter call upon you on the afternoon of May 21st? A Only the once.

Q Did he consult you in regard to a marriage of this kind at that time? A At that time, yes.

Q Had he consulted you previous to that time about it, that you recall? A No, I don't remember that he did.

THE PEOPLE REST.

THE DEFENSE:

Mr. Kiefer opens the case on behalf of the defense.

JOHN D. HUNTER, defendant, called as a witness in his own behalf, being duly sworn, testified as follows,

DIRECT EXAMINATION BY MR. KIEFER:

Q Mr. Hunter, what is your business? A I run an employment office.

Q How long have you been in that business? A Well about six or seven years.

Q How old are you? A 29½ going on 30.

BY THE COURT:

Q Have you a license? A Not now. I had to go out of business when I got into this trouble. I had up to that time.

BY MR. KIEFER:

Q Where was your place of business? A 321 West 59th Street.

BY THE COURT:

Q Did you obtain your license from the Mayor? A Yes sir.

Q How did you have to go out of business? A The

license expired on May 1st and I was arrested and I had nobody to carry on business for me.

BY MR. GARVAN:

Q You were not arrested till June 1st? A No sir, but they gave us permission to do business under our old license until they appointed the new Commissioner. I applied for the new license, but they would not grant it.

THE COURT: That matter has no relation to this case at all, gentlemen of the jury. That was merely for my own enlightenment.

BY MR. KILFETER:

Q Have you ever been married before? A Yes sir.

Q And is that wife living? A No sir.

Q She is dead, is she? A She dropped dead in 103rd Street on the East side, 211.

Q You tell the gentlemen of the jury all that occurred between you and this girl in regard to this marriage? You understand that you are here charged with abduction; that is, taking this girl for the purpose of marriage without the consent of her parents or parent. You tell the gentlemen of the jury your story? A I met this young girl coming from church as she said and walked with her home and she gave me permission to call on her, and I did call on her many times.

I went over there and they throwed the house open to me and made it very pleasant for me.

I used to go there as high as five times a week and they insisted on me staying for dinner, which I did, and I took her to call on Dr. Cooper's family, and I took her also out to this dinner that she speaks about.

About the time that she was going out to this dinner she had that hat on which she has now, and she refused to go to the dinner unless I purchased some flowers for the hat. She told me she wanted a wreath made out of large cream roses with little red buds. I offered to give her the money to get them and she refused to go unless I would get the flowers.

BY THE COURT:

Q Repeat what she said about the flowers? A Sir?

Q Repeat what she said about the flowers? A The girl?

Q That is the one I am speaking of? A She wanted me to have a wreath made.

Q Just give us her words? A I couldn't use the exact words.

Q As near as you can? A She told me to go down and purchase a wreath of flowers.

Q What did she say? A She refused to go to the dinner unless I got them.

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Q What did she say? You say she refused? A She told me that she would not go to the dinner unless --

Q What did she say? A I don't understand just what you mean.

Q You are an intelligent man. Now I want you to give us her words; not your words; do you understand that?

A Yes sir.

Q Give us her words? A Well she told me that she had --

Q No? A I don't exactly get your meaning, sir.

BY MR. KIEFFER:

Q Say the very words that she said to you; say what she said; if she said yes or no, or said "Go and get cream colored flowers", state so? A She told me that she wanted flowers --

BY THE COURT:

Q No. A I don't understand exactly what the Judge means. That is the reason I can't answer the question.

Q Have you committed to memory your testimony; have you prepared your testimony and committed it to memory?

A No sir I have not made any preparation of it at all.

Q If you have not, you say this young woman said certain things; now you can tell us what she said? A I

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am trying to answer the question that you asked.

Q You have not succeeded so far. Can't you tell us what she said? If you asked her to go to this dinner and she said "No, I won't go unless I have flowers for my hat," can't you tell us that? A Yes sir.

Q Do you understand me now? A Yes.

Q Don't tell us your words? A She told me that she --

Q Do you want your testimony to have the appearance of having been committed to memory? A No sir. I am just trying to answer the question just as you asked me, but I don't exactly understand it.

Q You said you understood it? A I am trying to tell just what she said about the flowers.

Q Now tell us what she said. Speak as if she were speaking? A She told me to go down to a certain place to get these flowers.

Q She did not use the words "She told me"? A I think I get your meaning now. I went down to 21st Street, I think the store is, to get this wreath made that she described to me.

Q What did she say when she described it to you?

A She said that she wanted these flowers to go in this hat so that she could go to that dinner.

Q What flowers? A A Wreath of flowers to go on the

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hat that she has on her head now.

Q Is that all she said? A No that is not all.

Q Is that all that she said about the flowers? A No sir.

Q Now tell us all that she said? A She went on to describe the flowers.

Q She didn't say that? She did not say "describe the flowers," did she? A No sir, she didn't say that.

Q Then why did you say it? I have told you time and time again not to give us your words? A I don't know how to answer the question.

BY THE ELEVENTH JUROR:

Q Repeat her own words as she said them to you?

A That is exactly what I am doing now as near as I can. I am telling exactly the words that she told me.

BY THE FOURTH JUROR:

Q You are giving your words. A I am telling the truth, just the words as she gave them to me, as near as I can. That is what I am trying to do.

BY THE COURT:

Q You are not doing it. A I don't know how, then.

BY MR. KIEFER:

Q Begin and say what she said to you?

MR. GARVAN: Tell the conversation as if it

was a dialogue and you were reciting it in a play.

BY THE COURT:

Q Do you belong to any amateur colored dramatic society?

A No.

Q It is a wonder you do not. Have you been to any of their performances? A No sir I have not attended to any amusements since I have been here. It took all my time trying to support my two children.

BY MR. KIEFER:

Q Now go on? A Well I went down to get these flowers.

Q But begin and say what she said to you about the flowers, as you said it before. What kind of flowers did she say she wanted, and why and where she wanted them?

A She wanted me to get a wreath of flowers.

BY THE COURT:

Q She didn't say she wanted you to get a wreath?

A She wanted a large wreath of flowers.

BY THE FOURTH JUROR:

Q How do you know she wanted it? A She had told me.

BY THE COURT:

Q What did she say? A She told me to go down and get a wreath of flowers.

BY THE ELEVENTH JUROR:

Q What did she say when she said she wanted them?

A (No answer).

BY THE EIGHTH JUROR:

Q Did she say "I want you to get a wreath"? A To get a wreath of flowers.

BY MR. KIEFFER:

Q What did she say? A (No answer.)

BY THE EIGHTH JUROR:

Q Give us her words? A She said "Go down and get me a wreath of flowers; I want large white roses with small red buds".

BY THE COURT:

Q You said "yellow roses" before? A No, Judge; I said "cream colored roses;" and that these flowers would be made up in a wreath.

Q Of what colors? A Cream colored roses, with little red buds, and the leaves so that it could be used to put around this hat.

Q What color were the leaves to be? A Green leaves.

Q Did she say that? A Yes sir; she described the leaves to me and all.

Q Are you sure? A Yes sir.

Q Go over it again. A I went down and gave --

Q No; go over it again and say what she said about the flowers? A "Go down and get me a wreath of flowers of large cream colored roses with small red buds, with green leaves, to be made up in a wreath so that they can be put around this hat".

I went down to this particular store.

BY MR. GARVAN:

Q What is the name of the store? A I don't remember the name. It is near 21st Street I think.

BY THE COURT:

Q Did she tell you the name of the store? A As near as she could, she described it; and I went there and found the head sales lady she had told me about.

BY MR. GARVAN:

Q What time of day was it? A In the morning around half past nine o'clock. So I described the wreath to be made and the girl told me she would make it up.

I waited and got the flowers and carried them back to her. Just before coming down to have this wreath made she refused to go down and get --

BY THE COURT:

Q No, she did not refuse? A (No answer.)

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BY MR. GARVAN:

Q What did she say? A I offered her the money and she refused to go down and get them herself.

BY THE COURT:

Q What did she say? A She said she was not going down after the flowers.

Q Then say so? A She said she was not going down after the flowers and wouldn't have them unless I would go after them, and her mother told me that I ought not to indulge her in that way.

Q Was anything said by her about having the flowers perfumed? A No sir.

Q Are you sure? A Yes sir.

Q Now think? A I don't know anything about that at all.

Q Wasn't anything said about that? A If so I didn't hear it.

Q Didn't you have them perfumed? A No sir; I never heard of them being perfumed before.

Q Go on? A And when I got the flowers she told me it was very nice of me and that she would be ready to go to the dinner that evening. So I went over in the evening and took her to the dinner.

While we were there the proprietor of this restaur-

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ant came came up and I called him over and introduced him to the young lady and told him we were to be married on the following Saturday, of that week.

BY MR. GARVAN:

Q What date was that? A That was on Monday of the week that we were married. So while he was speaking with me --

Q What is his name? A Jack Mail, Sr. -- I had a check in my pocket drawn by the Caswell Academy at Hunter's Point, and he cashed it and brought the money back to this table before her and gave it to me.

After that we stayed there about an hour or an hour and a half and she drank two milk punches and I drank two bottles of beer. So we left then and went home and got there about a quarter of eleven, I think it was, and I bid her good night and went home.

So the next day she came over to the office as usual to work. Every evening I went walking with her through Central Park during that week; so we talked the matter over and finally Saturday came around.

On Friday night when she left me she told me she would come over prepared for this marriage and when she came over on Saturday morning she was not dressed as she promised to be and I asked her why and she told me she

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didn't have anything in which she wanted to get married,
and that I ought to go down and purchase a silk dress for
her and she said she wanted a brown dress.

I went down to the store at 28th Street and Sixth
Avenue on the southwest corner and I couldn't get a brown
dress and I telephoned her from Jack Mail's that I couldn't
get a brown dress for her and she asked me what I could get.
I said "Changeable colors or a blue dress." She said "Get
the blue dress."

So I went back and called again in the store and
saw one of the sales ladies, and they went over this and
they told me --

BY THE COURT:

Q. Nevermind what they told you? A. I couldn't get the
size at all, and I telephoned up to her a second time from
Jack Mail's about this suit and asked her to come down and
be fitted.

She told me not to bother about the suit but to
come on up to the office and she would arrange that later.
So I jumped on the Elevated and went up to the office.

When I got there she told me to go and get the men
so as we could get married.

I went and told Mr. Revans that I wanted to be mar-
ried -- get his advice.

He asked me her name and I told him. Then he asked me "Where was the girl?" I said "Over at the office."

He said "I will draw up the papers and do whatever is necessary and be over in a short time".

I waited for quite a while and the man had not come and she asked me to go back, and I went back to Mr. Revan's a second time and told him to come over --

THE COURT: There is no necessity of having this long winded narrative.

BY MR. KIEFER:

Q Come right down to the marriage? A Shortly after that Mr. Revans came over with the papers and I signed one of the papers and the girl signed the other one.

Q What did she say before she signed; did she know what she was signing? A Oh certainly she knew what she was signing.

THE COURT: Strike out his answer, that she knew what she was signing.

THE WITNESS: I told her, and I said at the time when I was signing the paper, "Well I hope this will be a happy life for me."

BY MR. KIEFER:

Q Did she wear your ring? A The night that we went

down to this dinner I loaned her a diamond ring that had belonged to my dead wife and loaned her a ruby ring, and she begged me to let her wear the rings until the next day that she might show them to her sister and mother, so that they could see them, and I consented; and when I took them away from her she got mad.

Q When did you first ask her to marry you? A Several months before, the first time.

Q Did you ever ask her mother's permission for her to marry you? A I talked with the girl's mother at the house.

BY MR. GARVAN:

Q Just answer yes or no? A Yes sir.

BY MR. KIEFFER:

Q Tell the jury what her mother said to you and what you said? A I asked permission to marry the girl.

THE COURT: No. What is the use? Strike out his answer.

THE WITNESS: I asked the mother if I could have the girl.

THE COURT: Strike out his answer.

BY MR. GARVAN:

Q What did you say? A That is what I said. I asked

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the mother if I could marry the girl.

BY THE COURT:

Q Did you say to her "I asked the mother if I could marry the girl"? A I asked permission to marry her.

Q No? A I asked the mother for the girl.

BY THE FOURTH JUROR:

Q Give us all the words that you said to the mother at the time that you asked her? A My words?

Q Yes? A Well I asked the mother --

Q Talk to us the same words that you talked to her mother at the time? A "Mrs. Miller, when are you going to give me this girl?" Now shall I tell what she said?

MR. GARVAN: What she said, yes.

BY MR. KIEFFER:

Q Yes, say her words. A "Well, Hunter, I like you all right for myself, but my daughter will have to pick out her own husband." She said "I like you all right, I think you are a good fellow." So I told the girl just what the mother had said.

She laughs and says that her mother hadn't anything to do with who she marries at all; that that is left entirely to her.

So then I didn't think I was doing anything against the mother's wish.

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THE COURT: Strike out the latter part.

BY MR. KIEFER:

Q And you say the girl consented to marry you? A Yes sir. It had been arranged before that.

CROSS EXAMINATION BY MR. GARVAN:

Q And when you married this girl you did not fear the anger of the mother at all? A Didn't know there was any anger.

Q Just answer my questions now and we will get along much better. You didn't fear any anger, did you, of the mother? A No sir; I didn't expect any.

Q You felt that Mrs. Miller would be glad that you, this good fellow, as you say, had won over the consent of Hollie, didn't you? A Yes sir.

Q And, that being so, you had won over the consent of Hollie some three or four days before that, hadn't you; you said she agreed on Monday to marry you on Saturday; is that right? A Yes sir.

Q Now between Monday and Saturday did you tell Mrs. Miller that you were fortunate enough to have won the favor of Hollie? A Yes sir.

Q And did you tell Mrs. Miller between Monday and Sat-

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urday that you were going to be married on Saturday? A No, sir.

Q And why didn't you? She had been your good friend and considered you a good fellow?

MR. KIEFER: I object to all these statements.

THE COURT: Yes..

BY MR. GARVAN:

Q Why didn't you tell her that you were going to be married on Saturday? Now just tell those twelve men why you didn't tell the mother of this girl? A The girl told me not to say anything about it till Saturday; that we would surprise her by coming home all dressed up.

Q Is that the only reason? A That is the only reason; I was trying to please the girl.

Q Why didn't you go to a minister? A The minister that was to marry me was out of the City.

Q Why didn't you go to any other minister? A Because I belonged to that Church.

Q Wasn't there a minister officiating there while he was on vacation? A Not the regular minister.

Q There is a minister there, however, isn't there?

MR. KIEFER: I object.

(No ruling.)

BY MR. GARVAN:

Q There is a minister there during the summer is there

not? A I don't know.

Q You didn't even go to inquire? A I went --

Q Did you go to the church to inquire? Just answer my question? A If the pastor was there?

Q No; if there was a minister there? A No sir.

Q Did you meet Mrs. Brown, the sister, in the hall of your place? A No sir.

Q Did she come around that night at all? A Yes sir.

Q Now will you just state to these twelve gentlemen again and tell them, after you had had this joyful marriage with this girl, why you didn't go home to the mother with her? A After we was married Dr. Cooper, that lives opposite, came over and asked for her, and he came in and shook hands with her and he congratulated her, and then Dr. Cooper asked her permission to let me go down to 52nd St. to make a call. She told him "Yes, that I could go, but to be sure to come over to her house after her that night at nine o'clock"; which I did.

Q This was about seven o'clock that you were married? A Yes sir.

Q And what time did Dr. Cooper come in? A I don't know just what time; just before she went home. She was there at the time.

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Q About half past seven or eight? A I don't know that.

Q And, instead of going with this girl to her mother's, you went down with Dr. Cooper to make a call; is that right? A Yes.

Q And whom did you go down with Dr. Cooper to make a call on on this, your wedding evening? A It was a professional call and he asked me to go with him.

Q Why did you want to go with him? A Just because he asked me. The doctor and I were friends, and I had done that very often.

Q And you would rather go downtown with Dr. Cooper, while he attended to his business, than to go with your newly made bride and announce your marriage to her mother?

A There was no announcement to be made on that night.

Q Is that so? A No sir; I would rather have gone home with her.

Q And where did you and Dr. Cooper go? A He went down on 52nd Street to make a call on a patient; 414 I think is the number.

Q 414? A Yes, West 52nd Street. I waited down at the door while he made the call.

Q How long was he there? A probably thirty minutes.

Q And you waited there thirty minutes? A Yes sir.

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Q The bridegroom was waiting? A No sir; the bridegroom was not waiting.

Q And where did you go then? A We went back home, and on the way up we stopped and had a glass of beer.

Q And where did you go after that? A I went first to see my children, and from there I went over after the girl. It was near nine o'clock when I left.

Q Did you see the girl that night? A Not until I got a policeman.

Q Did you see her mother? A Yes sir, after I got the policeman.

Q Did you ever tell her sister that you were going to marry her on Saturday? A No sir.

BY THE COURT:

Q Is the policeman in Court that you got? A No sir; I don't know the policeman at all.

THE COURT: I would like to see that policeman.

MR. GARVAN: I will try and get him this afternoon.

THE COURT: I would like to see him.

BY MR. GARVAN:

Q Do you know his name? A No sir; I don't know him.

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BY MR. KEEFER:

Q. Where did you meet him? A. On Eleventh Avenue.

BY MR. GARVAN:

Q. Eleventh Avenue and what? A. And 62nd Street.

Q. What number? A. No number at all; I met him out on the street.

Q. What time of the night was this? A. I suppose that was around ten o'clock.

Q. Now did you say you ever told Mrs. Brown that you were going to be married on Saturday? A. No sir.

Q. Did you pay this girl here her wages for that week?
A. No sir.

Q. Did you ever pay her any wages while she worked for you? A. She only worked for me one week.

Q. And you didn't pay her for that week? A. No sir.

Q. How was it that, if on Monday you decided she was to become your bride on Saturday, you continued to employ her as bookkeeper? A. I had no one else to do the work. I discharged a girl to put her to work.

Q. Why did you not pay her on Saturday? A. After we were married she went home and I never thought about it.

Q. Did you have intercourse with her on that day?
A. After the marriage?

Q. Did you before the marriage? A. No sir.

Q You are sure of that? A Yes sir.

Q Didn't you tell us that right after the marriage Dr. Cooper came over? A No sir I did not. I said he came after the marriage.

Q How long after? A I couldn't say.

Q Give us an idea? A I couldn't say any time. I didn't pay any attention to it.

Q Tell us as near as you can? A I couldn't. I have no way of remembering.

Q Was it an hour or two hours? A I can't say; I don't know about the time. I know the doctor came over in the evening after we were married. I have not been remembering.

Q The doctor is a friend of yours? A Yes sir.

Q Has been a friend of yours for a long time? A Yes sir; I have known him for a long time.

Q He is a witness to-day? A I don't know whether he is or not. I expected him to be here.

Q Now when was it as you say that this mother told you that, if you could win the favor of the girl, she would not object? A I don't know just what month it was.

Q How long before you were married? A Some time.

Q Well how long? A Couldn't say.

Q A month or two months? A Couldn't say.

Q Did you tell anyone besides your friend Mr. Nail, who keeps the restaurant, that you were to be married?

A I told everybody that I know.

Q Except the girl's mother and sister? A I told everybody that I know.

Q Except the girl's mother and sister? A Yes sir -- at her request.

BY MR. KIEFER:

Q That is, at your wife's request? A Yes sir.

BY MR. GARVAN:

Q And she was perfectly willing that you should tell everybody else on the block, but should not tell her mother? A Yes. As soon as she found out she scolded me bad and told me I should not have done it.

Q When were you last in that house before you were married? A The day before.

Q What did you do? A We walked I suppose about six o'clock.

Q Now, if you knew on Monday that you were to be married on Saturday, will you kindly tell me what preparations if any you made for that marriage? A Nothing more than getting a very near new suit I had, pressed up, and such other little things as I were able.

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Q What time was it when you first consulted this man Revans? A After I came up from Nail's in the evening, when she telephoned me.

Q You came up from Nail's and then you went right to the apartment, did you not? A Yes.

Q And was there anyone else in the apartment at that time? A Oh yes.

Q Who else was there ?- A There was people in the back.

Q Who were they? A There was Ellen Chatman in there, and there was some Southern people that came up on my tickets.

Q You are not supposed to stay open Saturday afternoons? A Yes sir; close at two o'clock.

Q And at what time did you come up from downtown?
A That was around about four o'clock.

Q And you were still open that day? A Yes sir.

Q And did you dismiss those people then? A I couldn't dismiss those people.- They came up from the South on my tickets and had to stay at the house.

Q And when you came back at three o'clock did you discuss the marriage with her then? A No sir; when I got in there she told me to go and get the man, that we might be married.

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Q Now how long were you in the apartment at that time?

A I couldn't say.

Q Then you went and saw Revans? A Yes.

Q And that was the first time that you talked with Revans about this marriage was it not; up to that time had you consulted anyone, during all the week, with a view to getting them to marry you? A I made no effort after I found that the Rev. Mr. Brooks was out of the City.

Q So that on Saturday morning when you went downtown to your friend Jack Nail's you knew you were going to be married, but you did not know who was going to do it?

A Yes I did know, because I had explained that to the girl the night we were down to Nail's to dinner.

Q But you had not consulted anyone with a view to getting married? A No sir.

Q You did not know on Saturday afternoon that this lawyer would be in the office? A I knew that plenty of other Notary Publics would.

Q Just answer my question, please. Did you know whether Revans would be in his office Saturday afternoon?

A No sir.

Q But you thought that any Notary Public would do?

A Yes sir.

Q Now had you on this day purchased the wedding ring

for the girl? A No sir.

Q Did you give her a wedding ring on this day? A No sir.

Q Did you give her an engagement ring? A No sir.

Q Did she take her marriage contract home with her?

A Yes sir.

Q And you have yours? A Yes sir.

Q Did you know how old she was? A No sir.

Q Did you make any inquiries? A No sir, not after the mother had said what she did about marrying.

Q You deny absolutely that her sister came around there and had any conversation with you? A No sir; I don't deny that at all. You asked me if I had talked with her sister out in the hall.

Q Where did you talk with the sister? A The sister was admitted into the office.

Q And who was in the office at that time? A There was nobody in the front room.

Q Who was in the back room? A The girl was in the back.

Q Any one else?

BY THE THIRD JUROR: (Interposing)

Q What girl?

MR. GARVAN: What girl?

A Miss Miller.

BY MR. GARVAN:

Q That was after the ceremony? A Yes sir.

Q Now just tell us what took place? A She asked me "Where was Hollie?" Before I would answer I told her I would go and see.

Q You told her that you would go and see where Hollie was? A Yes sir. Then I went out and told Hollie that her sister was there.

BY THE FOURTH JUROR:

Q What time was that, about? A In the evening after the marriage. I don't know just what time it was.

BY MR. GARVAN:

Q Yes? A So I told the girl that her sister was there, and she told me to go out and tell her that she was not there; and I done so.

Q You had been married at that time? A Yes sir.

Q Do you know why Hollie did not want you to tell her sister at that time? A Yes sir.

Q Why was it? A Because she wanted to get dressed up and go over and surprise her mother.

Q She was undressed then? A No sir. I mean in these new clothes.

Q Did you buy the new clothes for her? A She was to

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go down and be fitted in it.

Q After the marriage? A She didn't say whether that night or the next week.

Q I thought you went down for them? A I went down and couldn't get the clothes she sent me after.

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

Recess till 2:30 P. M.

A F T E R R E C E S S:

J O H N D. H U N T E R, the defendant, resumes the stand.

CROSS EXAMINATION Continued

BY MR. GARVAN:

Q As I understand it, you stated to this jury that the reason why Hollie did not want you to tell her sister, when she came there, that you had been married, was that she wanted to go and get dressed up. Is that right? A In the new clothes.

Q And where was she going to get the new clothes at eight o'clock that night? A I don't know what time it was.

She was going down the street where I had been to pick out the clothes.

Q She was going down that night? A That was my understanding of it.

Q And why didn't she go down? A I can't say that.

Q How long after her sister had been there was it before you let her go home? A I didn't let her go home at all.

Q Well, how long after the sister had been there was it that she went home; about how long? A I don't know how long it was.

Q Now we must have some time fixed on this ^{most} important day of your life? A I didn't look at the clock to see what time she went.

Q I don't say by the clock, but wasn't half an hour after? A I can't say, sir; I don't know.

MR. KIEFER: That is an answer.

BY MR. GARVAN:

Q Was there any question about her going downtown that night for the new clothes? A Not that I remember. The understanding that I had about was, when she telephoned to me, that I should go down and get the clothes.

Q I am talking about why she did not want you to tell her sister that you had been married? A I don't know. She

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will have to answer that.

Q What reason did she give you? A Didn't give any reason.

Q Why was it that you didn't tell her sister when she first came in? A Because the girl had told me not to say anything about us getting married, all along, and I wanted to see what she had to say about it before I would answer.

Q And do you mean to say, when her sister came in and asked you if Hollie was still there, that you said "Wait a moment and I will go and see"? A She didn't ask that. She said "Where was Hollie?"

Q And you said you would go and see? A Yes.

Q And whom were you going to see from? A From the housekeeper.

Q Didn't you know at that time whether she was there?

A I did.

Q And why didn't you tell her? A Because I wanted to keep the promise the girl had made me make her.

Q What arrangements had you made to keep this girl?

A I had a seven room flat.

Q Your children lived there, did they? A Yes.

Q What other arrangements did you make? A Had the whole house fitted up.

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Q When was it fitted up? A All the time.

Q Had you made any special arrangements for the wedding? A It was always fitted up.

Q Did you do anything for that week? A Nothing only to have the house thoroughly cleaned.

Q Well name any people that you told that week that you were going to be married on Saturday? A Dr. Cooper and his wife, both the Nails, and most any man that I had any conversation with.

Q I don't care for that. ~~ANSWER~~ A Those four I remember.

Q Any others? A That is all I can recall.

Q Can you give us any idea of the date on which you claim that her mother said to you "If you win the love of the girl I have no objection; you are a good fellow"?

A No sir; I think it was a month before or two months; I can't say just the date.

Q Had the girl refused you at that time? A No sir.

Q Had you asked her? A I had.

Q What did she say? A She told me she would think over it and answer me later.

Q When did she first decide to accept you? A Some time in April, I think it was.

Q That was the month you met her in, wasn't it? A In

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May.

Q In May you met her? A No sir; it was in May that I was married.

Q What month was it that you met her in -- oh, it was in April, before you were married, that she said that?

A Yes.

Q What was the date? A I don't know.

Q Did you give any ring at that time? A No sir; I had counted on giving her my wife's rings, the ones I had loaned her.

Q Why didn't you do it? A I told her she was to have them when we were married.

Q Why didn't you? A Because just then I had some people to come up from the South and I was pressed for money and took the rings to get money to spend on account of the people coming from the South.

Q When was that? A During the week I was married.

Q During the week that you were going to be married you pawned the rings you expected to give her when you were married? A I did.

Q Did you pawn the solid gold ring of your wife's?

A Both were solid gold.

Q Did you pawn the one that had no jewels? A Both had jewels.

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Q Did your first wife's wedding ring have jewels?

A Yes sir. I give her the diamond ring for her wedding ring.

Q Where did you pawn them? A I forget the number.

It is on the corner of 103rd Street and Third Avenue.

Q Did you pawn them both there? A Yes sir.

Q On what date? A I don't know, sir.

Q On what day of the week was it? A I can't say.

Q How long before the wedding? A I don't remember; I don't know. I remember that I had these --

Q (Interposing) Under what name? A I can't say that.

RE DIRECT EXAMINATION BY MR. KIEFER:

Q She did wear your wife's rings for a time, didn't she? A Yes sir.

Q Mr. Garvan asked you about another minister. How many ministers are there at that Little Church Around the Corner? A One.

Q There could not be two then, for you to get the other one? A No sir.

Q In regard to the announcement, I understand that the girl did not want that to be made until she had her new dress;

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is that right? A Yes sir.

Q How often did you walk home with that girl during the time she was employed with you that week? A Every day.

Q Did her folks see you together? A Yes sir. I ate dinner there three or four times that week.

Q At the time her sister was in the front room, as she testified, and she was in the back room, could Hollie know that her sister was there? A Yes sir.

MR. GARVAN: I object to that. How does he know?

MR. KIEFFER: All right. I ask the question. He can tell.

MR. GARVAN: No, he can't tell.

MR. KIEFFER: She testified that she heard the men.

Q Do you claim this woman as your wife to-day?

A Yes sir.

Q And would you support her?

MR. GARVAN: I object to that, if your Honor please.

THE COURT: No no.

BY MR. KIEFFER:

Q How long have you been in the Tombs?

MR. GARVAN: I object to that.

A 115 days.

BY MR. KIEFFER:

Q How many times have you been over here for trial?

MR. GARVAN: I object.

(No ruling.)

A Fifteen times.

THE COURT: Excluded. Strike out the answer.

E L L E N C H A T M A N, called as a witness on behalf of the defense, being duly sworn, testified as follows,

DIRECT EXAMINATION BY MR. KIEFFER:

Q What is your business? A General house work.

Q Where are you employed at the present time?

A (Consulting paper) I will tell you in a minute. At Mrs. Kane's.

Q What is the number; where is it? A (The witness hesitates).

BY MR. GARVAN:

Q Don't you know? A What street I do work on?

Q Yes? A I don't remember the street.

BY MR. KIEFFER:

Q You don't remember the street where you work?

A No sir.

Q Where are you living now; where do you work? A I don't remember the street.

BY MR. GARVAN:

Q How are you going to get home tonight? A Oh, I can get home all right enough.

BY MR. KIEFFER:

Q Do you know this defendant? A Yes sir.

Q Were you employed by him? A Yes sir.

Q In the daytime, during this year? A Yes.

Q When? A All the year until he was arrested.

Q What was your employment? A My duties were to work in the house and take care of his two children.

Q And where was this? A In 59th Street, No. 321.

Q Do you recall Saturday May 21st of this year?

A Yes sir.

Q Where were you at that time? A I was home.

Q Where is home? A 321 West 59th Street.

Q Were you in the house all that day? A Yes sir.

Q Do you know the complaining witness in this case; do you know Hollie Miller? A Yes sir.

Q Did you see her at that house on that day? A Yes sir.

Q Did you see her any number of times before that day

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during the day? A Yes sir; I seen her every day.

Q Do you know whether she was there on Saturday May 21st? A Yes sir she was there.

Q How many rooms are in this apartment? A Seven rooms with a bath.

Q If there was any crying or any outcry or any call for help would you have heard it on that day?

Objected to.

Objection sustained.

Q Did you hear any noise that day? A No sir I did not.

Q How long have you known Mr. Hunter? A I been knowing Mr. Hunter for quite a number of years.

Q Do you know other people who know him? A Yes sir.

Q Have you had occasion to speak to those people in regard to his character and his general reputation? A Yes sir.

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

Q How many children has Mr. Hunter got? A Two.

Q And they were there in the house? A Yes sir.

(No cross examination.)

DEFENDANT RESTS.

Testimony Closed.

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MR. KIEFER: If the Court please, I move for a dismissal of the indictment and discharge of the defendant on the ground, first, that the evidence is insufficient to warrant his conviction of the crime charged against him.

THE COURT: Motion denied.

MR. KIEFER: Exception -- on the ground that they have failed to prove their case beyond a reasonable doubt.

THE COURT: Denied.

MR. KIEFER: Exception -- on the ground that they have not shown that this marriage took place without the consent of the parents.

THE COURT: Motion denied.

MR. KIEFER: Exception.

THE COURT: Is there any question whatever on the part of your client, Mr. Kiefer, that this paper denominated a marriage contract and marked People's Exhibit No. 1, was signed by him?

MR. KIEFER: No sir, there is not.

THE COURT: You concede that he signed that paper, do you?

MR. KIEFER: I will speak to him about it, but I will now admit, as his counsel, that that is part

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of the case, and we admit it; we agree to that.

THE COURT: That this (indicating) is his signature on this paper?

MR. KIEFER: Yes sir.

THE COURT: (Continuing) What purports to be John D. Hunter?

MR. KIEFER: Yes sir.

THE COURT: He admits signing it?

MR. KIEFER: Yes your Honor.

THE COURT: That is all. I was not clear on that point.

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Q With whom did he cash that? A This defendant.

Q Did he say anything to this defendant at that time other than to ask him to cash that chip? A I didn't hear him say nothing.

Q What was Reyes's condition at that time with regard to sobriety; had he been drinking? A Well, I don't know whether he had been drinking. He acted as if he had two or three drinks on him, but I am not sure whether he was drunk or not.

Q Well he was not sober, was he? A Well, I couldn't swear to that, whether he was sober.

Q Now you know whether a man is drunk or sober? A I couldn't swear that he was drunk then. He might have been drinking, or something that way.

Q What do you think?

MR. NOTT: I object to that, if your Honor please.

Objection sustained; exception.

BY MR. YOUNG:

Q Had you seen him drinking that evening? A I had seen him have a drink or two-- a glass of beer or a bottle of beer.

Q One whiskey, did you say? A No.

Q I misunderstood you. Then Reyes, did he sit down

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in the room there? A when?

Q When he came back? A No, he came and cashed his check and went in the other room.

Q All he did was to go in and get his quarter and then he went out into the other room? A Yes.

Q Were you there when the police came? A Yes, sir.

Q And where was Limonta when the police came? A I was in the middle room, and when I went into the middle room I left him in the front room, but I don't know whether he was there when the police came, because he might have gone out through the other door to the hall.

Q You went to the middle room? A Yes.

Q Then the police came there? A Yes.

Q And that was only a short time after you left the front room? A Yes.

Q And so far as you know, Limonta was in the front room? A Yes.

Q You did not see him leave it? A No, sir.

Q Reyes, was he there when the police came? A I don't remember, but I think he was out.

Q You think he was out when the police came?

A Yes.

Q Now, how often did the police come while you were there? A Once.

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Q Why did that game break up; did Limonta have anything to do with the discontinuance of the game? A No; the game broke up because I had no money to keep on dealing; and I suppose that is why the game stopped.

Q Limonta did not stop the game? A No.

Q It was a fact that you were broke as banker and could not continue? A Yes.

Q And you went home? A Yes.

Q And when you went home where was Limonta? A As far as I recollect I left him in the front room.

Q How long after his return-- did you remain and know that Limonta was in that front room?

MR. NOTT: I object to that.

THE COURT: Objection sustained. He does not say that he was in the front room. On the contrary he has said half a dozen times that he did not know whether he was or not.

BY MR. YOUNG:

Q I mean so far as you know.

THE COURT: He says he does not know whether he was there or not.

BY MR. YOUNG:

Q You know that Limonta was there some part of the time? A Yes; I left him in the front room.

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Q How long was it from the time that he came in, returned, to the time that you left him in the front room, then?

A It was 20 minutes.

Q Then did you go right home? A Yes, sir.

Q Did you see Reyes later that night or early the next morning? A I seen him early in the morning; I guess it was about 6 o'clock, when I got up.

Q Where was he? A In the saloon.

Q What saloon? A Corner of 99th street and 3rd avenue.

Q What was his condition then as to sobriety?

MR. NOTT: Objected to if your Honor please, as to what his condition was at 6 o'clock the next morning.

Objection sustained; exception.

BY MR. YOUNG:

Q Do you know a man by the name of Joe Ruseell?

A Yes, sir.

Q What trouble, if any, took place between Joe Russell and Reyes ~~during~~ and this defendant, if you know?

MR. NOTT: I object.

MR. YOUNG: That is to contradict Reyes here.

THE COURT: You cannot contradict him on an irrelevant matter.

MR. YOUNG: I am not attempting to contradict

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Mr. Reyes. I simply want to show what took place in this club house at this time.

THE COURT: You cannot do it, because it was after the time of the act charged in the indictment, and secondly you cannot contradict a witness on an irrelevant matter which you yourself brought out.

MR. YOUNG: That is not my purpose-- contradiction.

THE COURT: I thought you said it was to contradict Reyes.

MR. YOUNG: I submit I had a right to show what took place in that club house at that time.

THE COURT: The objection is sustained.

MR. YOUNG: Exception.

BY MR. YOUNG:

Q You don't know how late Mr. Limonta stayed at the club room that night? A No, sir.

Q When did you next see him? A I never saw him any more till I seen him at the last trial.

Q How long have you known Mr. Reyes? A I know Mr. Reyes I guess about two or three years.

Q Since he has been in this country? A Since he has been here, yes.

Q Known him in the neighborhood in which he lives?

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A Yes, sir.

Q How frequently have you met him during that period of time? A Well, when he was in town I used to see him most every evening.

Q Where; where he boarded, at the club house, or where?

A Used to see him on the street.

Q Did you ever know Mr. Reyes to work except for a very short period of time, in a cigar factory?

MR. NOTT: I object to that, if your Honor please.

Objection sustained; exception.

BY MR. YOUNG:

Q What is Mr. Reyes's business, if he has any kind of what work; is he employed at if you know? A Cigar-making.

Q Does he work at it? A Sometimes he goes at it; I don't know, the rest of the time, what he does.

Q Have you known him to work at it within the last two years excepting for a period of a week or two?

MR. NOTT: Objected to, if your Honor please, unless he can prove that he was with him all the time.

THE COURT: Oh, it is the same thing; he has drawn out from Reyes how many days a week he did not work, and he is now trying to contradict him, which is entirely wrong, because he cannot contradict

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a. witness on an irrelevant matter which he himself brought out.

MR. YOUNG: Counsel wishes to state that his purpose is not one of contradiction, but to show the character of this man Reyes.

THE COURT: I will not allow you to show it that way. Whether a man works or not has nothing to do with his character. You can show a general reputation, if you like, for truth and veracity, if you want to impeach him; but you cannot do it by proving individual acts or showing what days he worked or did not work. You drew out all this testimony from the witness and you must be bound by his answers.

MR. YOUNG: I expect to be bound by the answers. My purpose is other than the one the Court imputes to me. Will the Court allow me to take an exception?

THE COURT: Certainly. I must decide the question according to the rules of evidence.

REDIRECT EXAMINATION BY MR. NOTT:

Q Mr. Alfonso, at this time ~~xxxx~~ were you taking your meals at No. 1796 Third avenue? A Yes, sir.

Q And state whether or not Pagharin took his meals there at that time? A Yes, sir.

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her there, detain her and use her in that room for the purpose of marriage?

I cannot elaborate upon that question of fact any farther than the evidence itself discloses.

The defendant himself admits that he and the girl signed the marriage contract. There is no question of dispute at all about the form of marriage between these two persons. That is not disputed. He admits that this contract of marriage was entered into and signed by himself and the girl, and in the presence of two witnesses in this room where she testifies that she was detained and kept.

So that, in determining his purpose, I apprehend that you will not have much difficulty, because he himself admits the form of marriage. He says that the marriage was with her consent. Upon that I will instruct you later.

The third question of fact which you will have to determine is: Was the girl at that time under the age of eighteen years. Upon that the evidence given by the prosecution, and which the prosecution claims to establish the fact that she was not eighteen years of age, is given by the mother who gave the date

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of her birth and the year, which evidence or testimony rather tends to show that the girl was sixteen years of age; and the girl herself gives her understanding of her age as sixteen years. If that be the fact, and if you believe that testimony, it would dispose of that third question of fact.

Now the fourth question of fact arising in the case is: Assuming that he harbored or used the girl for the purpose of marriage; assuming that she was under the age of eighteen years; assuming that he did marry her, and thus carry out his purpose and intention, then the last question of fact for you to determine is: Did he harbor or use this girl for the purpose of marriage; and did he actually marry her without the consent of her parent?

Those are the four questions of fact for you to determine.

Her living parent is her mother, and the law makes the consent of the parent or guardian of a girl under eighteen years of age to marriage an essential prerequisite.

Gentlemen, in general I instruct you that it is the law by which you are bound that it makes no dif-

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ference whatever in this case whether the girl consented to an act of sexual intercourse with the defendant; nor does it make any difference if she consented to be married to him. Bear those two propositions in mind. In the eye of the law a girl under eighteen years of age has no consent to give. It is not within her power to consent to marriage. The law is for the protection of society, the maintenance of those social virtues which are necessary for the protection of society and of the family relations and it says that a girl under eighteen years of age is incapable of giving legal consent to her marriage; and the man who marries the woman under eighteen years of age, even though she consents and is willing and anxious to marry him, without the consent of her parent living or of her guardian, commits the crime of abduction.

That is the law. There is no escape from it. That law is made, as I observed to you, for the benefit and protection of society at large; aye, even for the benefit and protection of the female herself, because the law throws its mantle of protection around her, against her own weakness, against

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her own frailty, against her own ignorance, against her own impulses. The law draws the sharp and clean cut line of demarkation at that period-- at eighteen.

It says to a man, "You cannot cross that line and marry a female under that age unless by the consent of the parent or of the guardian."

So that, gentlemen, if you find, upon this evidence, that the defendant harbored or used or detained or kept this girl in this room for the purpose of marriage, or if you find that his purpose was to harbor and keep her and detain her for the purpose of having sexual intercourse with her, and that, growing out of that transaction, that he was moved by the idea of self preservation or of policy or of any other motive, to go through the form of having the contract of marriage executed between himself and the girl; and if you find that at that time the girl was under eighteen years of age, and if you find that the defendant did not receive the consent of her mother, with whom she lived and in whose care she was, then I charge you that those acts constitute the crime of abduction, and your verdict should be

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"Guilty" against the defendant.

I have no opinion to express upon the facts of the case. As I have before informed you, you are the exclusive judges. You have heard the defendant's testimony. I do not wish for one moment to characterize it at all, or to refer to it beyond the fact of his own confession that he did go through the form of a marriage contract with this girl; that he went out and employed a lawyer for the purpose of drawing up the contract and arranged with the lawyer to go to the apartment where the girl said she was confined, and that he there and then signed that contract and that she signed it also, the contract being signed in duplicate and the defendant retaining one duplicate while the complaining witness retained the other.

I charge you, gentlemen, that it matters not whether the girl is willing to live with him, or whether he is willing to live with her. It matters not whether she signed that contract voluntarily or under duress. She signed it; and if it was a contract of marriage between them, and she was under the age of eighteen years at the time that contract was

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made, and if that marriage was entered into between the defendant and the girl without the consent of the mother, the crime was committed.

This contract, after it recites the names and the addresses of the parties to it, says: "Witnesseth, Whereas the said John E. Hunter and Hollie E. Miller have agreed to unite in the bonds of matrimony and become husband and wife from henceforth:

"Now therefore, in pursuance of subdivision 4 of section 11 of article 2nd of the Domestic Relations Law, it is agreed that said John D. Hunter and said Hollie E. Miller do hereby, from the date of this contract, become husband and wife, and they thereby agree to and do assume, the marital relations and obligations pertaining thereto.

"In witness whereof the said parties hereto have executed this marriage contract in duplicate and signed the same the day and year first above written."

Signed: "John D. Hunter, Hollie E. Miller,"
in the presence of two witnesses.

I charge you, gentlemen, that if that paper was duly signed and executed with the defendant, and

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by Hollie E. Miller as man and woman, of their own free will and motion, it constitutes in law a contract of marriage.

I do not think, gentlemen, that it requires anything further for me to say to you in reference to this case. It appears from the personal appearance, I might say, of both the defendant and the complaining witness, that they are members of what is commonly called the colored race. I deem it almost unnecessary to state to a jury that in this State there is but one law for all the people within its confines. There is no law for the white man in discrimination as against the black man. The law that binds the citizen of Caucasian blood binds the citizen of African blood, and while the lot in life of the complaining witness and her mother be a lowly one, that does not put them beyond the pale of the protection of the law.

The mother said that she has worked to support her children since her husband's death. This girl said that she had been working since she was of the age of nine years. The law applies to these people, be their lot in life as lowly as it is, just as it

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applies to the wealthiest and most refined citizens in the City of New York. There is no distinction whatever.

Sometimes -- I do not say in this case, but it is barely possible -- some men's minds might conceive the idea that the morals of these people are not of the highest order or standard, and that it makes little difference what their relations may be from a sexual point of view. The law takes no such view. You are not competent or qualified to judge -- neither am I -- of the moral condition of these people. So far as the evidence goes here, this young woman's reputation is unassailed, and the mother's reputation is unassailed, and the color of their skin, or the color of the defendant's skin must not make the slightest difference with you in doing justice to yourselves, and that is to return a judgment as you believe the evidence warrants, without regard to the complexion of the persons involved.

On the whole case the defendant is entitled to the benefit of a reasonable doubt. If you entertain a reasonable doubt give him the benefit of it and acquit him.

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I am sure that by this time you understand that a reasonable doubt is not a mere conjecture, nor a guess, nor a capricious determination to come to a conclusion and get rid of doing an unpleasant duty. A reasonable doubt, the law says, is such a doubt as will influence a man in the most important concerns of his daily life. Apply that rule here.

There is a section of the Statute which I must read to you. The Statute says: "No conviction can be had for abduction upon the testimony of the female abducted, unsupported by other evidence."

Gentlemen, I do not apprehend that there is any question here about the lack of supporting evidence, though you are the judges of that fact; but the defendant himself admitted that a contract of marriage was entered into, and this paper itself may furnish you with the support which you deem necessary. Am I correct in that, Mr. Kiefer?

MR. KIEFER: Yes, sir; we agree to that positively.

THE COURT: And the law says simply "unsupported." Now, according to the defendant's state-

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ment he supports her himself by admitting that he did enter into a contract of marriage with her; and, then there is the testimony of the lawyer who was present and who drew up the contract; then there is the testimony of the paper itself upon which the signature appears.

Gentlemen, I submit this case to you. Your verdict will be either guilty or not guilty.

MR. KIMPER: If the Court please, the District Attorney, in commenting upon the evidence, suggested that we did not prove that the girl was eighteen years of age and that we did not prove the mother's consent. I will simply ask your Honor to charge the jury that the burden of proof throughout, on every point, is upon the prosecution, and that a conviction is not to be wrung from an unfortunate defendant.

MR. GARVAN: I did not say that. I said, if the defense was that the girl was eighteen years of age, they ought to prove it.

THE COURT: Gentlemen, without regard to the question contained in Mr. Kiefer's request, based upon what he says the District Attorney said and which

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the District Attorney denies, the rule of law is that upon every material question of fact necessary to a conviction the burden of proving that fact rests upon the prosecution. It is not for the defendant to prove his innocence. It is for the prosecution to prove his guilt; and the four questions of fact which I have submitted to you -- and which I am sure you will remember -- are to be proven to you beyond a reasonable doubt before you can convict the defendant.

MR. KIEFER: If the Court will pardon me further, I ask you to charge that the girl's appearance is a fact also to be taken into consideration.

THE COURT: Yes, gentlemen; you may take that into consideration upon the question of age.

The jury retired.

The jury returned to court requesting that the testimony of Mrs. Mary Miller, the complainant's mother, be read to them.

The said testimony was read by the stenographer.

THE FOURTH JUROR: The jury would like to know if the fact that Mrs. Miller, according to her testimony, always allowed her children to marry whomever

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they chose, would make a consent to this marriage.

THE COURT: The law says, Mr. Juror, that the consent of the parent or guardian must be obtained; and no person can evade that law. That is the law, the law which you have to consider with regard to a consent to this marriage. That is all a question for you to consider.

MR. KIEFER: I would ask that that letter which has been put in evidence be given to the jury.

THE COURT: No; I won't hear anything further. You can do nothing now, Mr. Kiefer.

The jury again retired.

The jury again returned to court.

THE COURT: Gentlemen of the jury, I have received this communication from you:

"Hon. Recorder Goff: Does not the mother of the girl when she says, 'My children can choose whomever they please', - give her consent to the Man Hunter, or does the law especially make her give special consent to the Man Hunter?"

Do I read that correctly?

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THE FOREMAN: That is the question, yes, sir.

THE COURT: My answer, gentlemen of the jury,
is this: The mother testified as follows:

"Q Your daughter testifies that you told her that she could make her own choice so far as marrying any one was concerned. Is that true?" And she answered "I have always told my children that but there never was no talk about marrying that man. Now that is the truth". This consent may be regarded as general in character, but it does not meet the requirement of the law that where a girl is under eighteen years of age she cannot be taken or harbored for the purpose of marriage unless with the consent of the Parent. The question here is, did the mother consent that this defendant should take or harbor her daughter for the purpose of the marriage in question?"

The jury again retired.

The jury returned a verdict finding the defendant guilty.

MR. KIEFER: If the Court please, I move in arrest of judgment, on the ground that the prosecu-

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tion have not proven jurisdiction in this case.

THE COURT: I will consider the motion.

The defendant is remanded until Friday,
September 16th, 1904, for sentence.

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