

0009

BOX:

152

FOLDER:

1558

DESCRIPTION:

Abbott, John

DATE:

09/22/84



1558

Witnesses:

Geo. W. David

Chief officer

W. Galley of Home

141

Palmer

Counsel,

Filed 22 day of Oct 1884

Pleads

Not guilty

Assault in the First Degree, etc. [Sections 217 and 218 Penal Code].

THE PEOPLE

vs. *P*

John Abbott

*1st
per du*

PETER B. OLNEY,

Per Mr Spitt
District Attorney.

ind v charged Assault
A TRUE BILL.

James B. Kissam
Jdy.

Foreman.

Pen 2 months

0010

0011

Police Court— District.

City and County } ss.:
of New York, }

of No. Pier 45 East River George David
occupation Chief Officer Salley of Lorne Street, aged 32 years,
deposes and says, that on the 19 day of October 1884 being duly sworn
at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Abbott
(now here) who did wilfully and
unlawfully cut and stab deponent
on the face with the blade of a knife
then and there held in his hand
causing a painful wound

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 19 day
of October 1884

Chas. J. Webb Police Justice.
G. W. David

0012

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

John Abbott being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *John Abbott*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Ireland*

Question. Where do you live, and how long have you resided there?

Answer. *London England*

Question. What is your business or profession?

Answer. *Sailor*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty*

J Abbott

Taken before me this

day of

188

Walter J. Smith
Police Justice.

0013

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
 Hundred Dollars and be committed to the Warden and Keeper of the City Prison
 of the City of New York, until he give such bail.

Dated 19 Oct 1887 J. C. [Signature] Police Justice.

*I have admitted the above-named _____
to bail to answer by the undertaking hereto annexed.*

Dated.....188 *Police Justice.*

*There being no sufficient cause to believe the within named _____
_____ guilty of the offence within mentioned, I order h to be discharged.*

Dated 188 *Police Justice.*

0014

BAILED,
No. 1, by _____
Residence _____ Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court *First* District. *1682*

THE PEOPLE, &c,
ON THE COMPLAINT OF

George David
Pier 45 East River
Chief Office Galley
John Abbott

1 _____
2 _____
3 _____
4 _____

Offence
felony
assault

Dated *19 October* 188 *4*
A. P. White Magistrate.
John L. Ingle Officer.
Precinct.

Witnesses _____
No. _____ Street.

No. _____ Street.

No. _____ Street.
\$ *500* to answer *G. M. S.*

G. M. S.

0015

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John O'Donnell

The Grand Jury of the City and County of New York, by this indictment, accuse

John O'Donnell

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said John O'Donnell

late of the City of New York, in the County of New York aforesaid, on the nineteenth day of October, - in the year of our Lord one thousand eight hundred and eighty-four, with force of arms, at the City and County aforesaid, in and upon the body of one George W. Davis, in the peace of the said People then and there being, feloniously did make an assault and ~~in~~ the said George W. Davis, - with a certain knife -

which the said John O'Donnell -

in ~~his~~ right hand then and there had and held; ~~the same being a deadly and~~

~~the same being a deadly and~~ wilfully and feloniously did beat, strike, stab, cut and wound ~~the said George W. Davis~~ ~~and~~ ~~produce the death of the said George W. Davis~~ with intent - ~~in~~ the said George W. Davis thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said

John O'Donnell

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said John O'Donnell

late of the City and County of New York, on the nineteenth day of October in the year of our Lord, one thousand eight hundred and eighty-four, at the City and County aforesaid, with force and arms, in and upon the body of one George W. Davis - in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and ~~in~~ the said George W. Davis, - with a certain knife -

which ~~the~~ the said John O'Donnell -

in ~~his~~ right hand then and there had and held, the same being an ~~instrument~~ likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

00 16

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
John O'Brien —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *John O'Brien* 7
late of the City County of New York, on the *nineteenth* day of *October*
in the year of our Lord one thousand eight hundred and eighty-*four*, at
the City and County aforesaid, with force and arms, in and upon the body of one
George W. Davis —
in the peace of the said People then and there being, feloniously, did wilfully and
wrongfully make an assault, and *in* the said *George W. Davis*

in and upon the *head* — of *him* — the
said *George W. Davis* — did then and there
feloniously, wilfully and wrongfully strike, beat, *scold, cut,* —
bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully
inflict upon *him* the said *George W. Davis*,
grievous bodily harm, to the great damage of the said *George W. Davis*,
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York, and their dignity.

PETER B. OLNEY,

District Attorney

0017

BOX:

152

FOLDER:

1558

DESCRIPTION:

Allen, Augustus H.

DATE:

10/31/84



1558

0018

Witnesses:

Bail

Theodore Schumacher

61 East 66 St.

Witnesses:

Jane Maloh

Francis P. Hastings

The deft. herein having made a full and ample retraction of the alleged libel and having published said retraction - and the counsel having personally and through her counsel expressed a desire that the matter should not be further brought into Court or further prosecuted; - I rec-ommend that within indictment be dismissed.
See letter of Hon. William S. Sullivan, N.Y. May 14, 1886. Randolph B. Harting, District Attorney

Counsel,

Filed 31 day of Oct 1886

Pleads

Inguity (chrs)

THE PEOPLE

vs.

B

Augustus Allen

[Sections 212, 213, 214, 215, Penal Code]

PETER B. OLNEY,

Attorney.

Admitted to practice by the Court of Sessions and County of New York at

A True Bill.

Sept. 1885

Jonas P. Kissam, Foreman.

May 14, 1886

Seen on May 14, 1886

Barry F. Fairbanks

Witness

1886

0019

1

Fifth District Police Court
New York City.

-----x
The People ex rel Jane Walsh : Before
 : Daniel O'Reilly,
 : Magistrate.
A u g u s t u s H. A l l e n :
-----x

New York, June 30th, 1884.

Present:

Algernon S. Sullivan, Esq. and
Henry W. Hayden, Esq.,
for the People.

John L. Hill, Esq., and
John B. Talmage, Esq.
for the Defendant.

The Stenographer was duly sworn to correctly and
truthfully take the testimony.

Mr. Hill: I think Mr. Sullivan, with your permission that I
better repeat in a very brief form the few questions
which we made at the last hearing so that the entire exam-
ination may be on record.

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Mr. Sullivan: I understand no notes were made at that hearing.

Mr. Hill: It was very informal. I suppose she is recorded as under oath at the time the complaint is made?

Mr. Sullivan: Yes, sir. That is before the Court has her statement. Now, you can cross-examine her.

MRS. JANE WALSH, recalled.

Q You stated on the former examination you came to the United States four years ago? A Yes, sir.

Q And have been living in Mr. Whiting's family and in his employment for how long? A Nearly three years.

Q You entered his employment in what capacity? A Nurse and governess.

Q How long were you in the family prior to Mrs. Whiting's death? A About seven months.

Q You are now serving in what capacity? A Housekeeper.

Q And have been housekeeper for how long? A About a year and eight months.

Q You also stated who your former employers were?

A Yes, sir.

Q And where you had lived and how long you had been in the employment of each. Won't you please go over that matter again now so that it can be taken down. You said you were

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with Mrs. Charles' and Mrs. Hone's families. Now, begin with Mrs. Charles and state about that and then Mrs. Hone, so as to save questions ? A I stayed five months with Mrs. Charles and a year and five days with Mrs. Hone.

Q That brought you to the day when you landed here ?

A The day after I landed here.

Q Your period of service with Mrs. Hone was where ?

A Six months in Staten Island and six months in New York.

Q Do you remember Mr. Hone's business ? A I think he was a lawyer. I am quite sure.

Q What place in Staten Island did you live ? A Hamilton Park.

Q Where in New York ? A 45th Street.

Q Do you remember the number ? A I don't recollect, I think it was 127.

Q Between what avenues ? A Sixth and Seventh.

Q And your period of service with Mrs. Charles was where ?

A Newport.

Q All of it ? A Four months of it.

Q And the rest here ? A A month at 42nd street and Fifth Avenue, the Bristol Hotel, Hotel Bristol!.

Q Had you other co-servants with you in Mrs. Charles' family?

A No, sir.

Q You were the only one ? A Yes, sir.

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- Q In what capacity did you serve there ? A Lady's maid.
- Q At Mrs. Hones ? A Lady's maid and seamstress.
- Q Had they other servants ? A Yes, sir.
- Q How many ? A Two, sometimes three.
- Q All of them female servants ? A One man servant.
- Q In what capacity was he serving ? A Butler.
- Q What is his name ? A I forget.
- Q You can't tell his name ? A No, sir; I don't remember.
- Q Who were your c^oservants in Mr. Hone's family ? A The servants changed so often I don't remember.
- Q Do you remember any of them ? A No, sir.
- Q Not a single one ? A No, sir.
- Q Have you ever seen any of them since that ? A No, sir.
- Q Have you ever seen Mr. or Mrs. Hone since you left their employ ? A No, sir-- yes, I saw Mr. Hone once.
- Q When ? A After my leaving, I didn't see her.
- Q Do you know Mrs. Allen, the defendant's mother ? A Yes, sir.
- Q How did you become acquainted with her ? A When I went to Mr. Whittings house.
- Q Mrs. Whiting was then ill ? A Yes, sir, she was not quite taken to her bed when I went there.
- Q By whom were you selected or engaged at Mr. Whiting's family
- A The one that Mrs. Whiting had engaged herself, a friend of mine.

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- Q Some friend of yours was instrumental in introducing you to the family ? A Yes, sir.
- Q What was the name of that friend ? A. Mary Jewett.
- Q Where is she now ? A In White Plains, I believe, at present.
- Q Do you know what family ? A She lived up in 54th street with Mr. Stowe, 59 54th street.
- Q With whom is she living at White Plains ? A The same lady.
- Q Was Mrs. Allen at the house when you came there ?
A Yes, sir.
- Q At Mr. Whitings ? A Yes, sir.
- Q Did she remain continuously after you came there until Mrs. Whiting's death ? A Yes, sir.
- Q What was she doing there ? A Helping Mrs. Whiting.
- Q What else ? A I really can't tell you.
- Q You don't remember ? A No, sir.
- Q How long did she remain after Mrs. Whiting's death at the house ? A I don't know-- from the time Mr. Whiting got a housekeeper I can't tell the exact time-- until he got a housekeeper.
- Q Which housekeeper do you now refer to ? A The former one that was before me.
- Q What was her name ? A Mrs. Muhler.
- Q When did Mrs. Muhler come ? A I can't tell the exact time but shortly after Mrs. Whiting's death.

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Q A week or two ? A I can't tell.

Q A month ? A I can't tell.

Q Two months ? A I can't tell you.

Q I am simply striving to fix it as near as you can ?

A About a month.

The Justice: State as near as you can about the time that is all ? A About a month.

Q Do you know where Mrs. Muhler is now ? A No, sir.

Q How long did she serve as housekeeper ? A Up to September of the same year.

Q You succeeded her ? A Yes, sir.

Q Was there any trouble in the family when she left ?

A Not that I am aware of.

Q I observe you say "Mrs" Muhler ? A Yes, sir.

Q Was her husband living ? A I can't tell, I don't know.

Q Did you never see him ? A No, sir.

Q Do you know whether she had any children ? A I don't know.

Q Never had any information about that ? A No, sir.

Q How old a person was she ? A I would take her to be 40

Q And she was in the house from about what date, as near as you can fix the time ? A About a month.

Q After Mrs. Whiting's death ? A Yes, sir.

Q When was that ? A Mrs. Whiting died in May.

Q Of what year ? A 1883, two years ago.

Q In 1882 ? A Yes, sir.

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- Q Then Mrs. Muhler must have come there about June ?
A Yes, sir.
- Q And stayed until September ? A Yes, sir. I should say so.
- Q Having taken charge of the household ? A Yes, sir.
- Q Have you ever seen her since she left ? A No, sir.
- Q And you don't know where she went to ? A No, sir.
- Q Did you hear about her since ? A No, sir.
- Q Do you know by whom she was selected when brought into the house ? A No, sir, I don't know.
- Q And you are sure that there was no trouble when she left?
A Not that I am aware of.
- Q Never heard that there was any trouble ?
A I heard something about trouble but I was not there when the trouble commenced.
- Q You heard something about trouble ? A Yes, sir.
- Q From whom ? A The girls were talking about it.
- Q What girls ? A The servants.
- Q Name them ? A I don't think I can remember them--
- Q Well as near as you do remember ?
A There was one Catharine Mooney, Maria O'Shay and the cook by the name of Bridget O'Connor, that is all I can remember of the servants that were there then.
- Q Which of them was it you heard speaking about the trouble when she left ? A I don't remember-- just passing the word.

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The Justice: Between those servants ?

A Yes, sir, I was not home when she was there.

By Mr. Hill:

Q Where were you when she left ? A Poughkeepsie with Mrs. Allen and Mr. Whiting's children.

Q Was she discharged ? A That I can't say.

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

Q Did you have any words with Mrs. Muhler ? A No, sir.

Q None whatever ? A No, sir.

Q Are you sure ? A Yes, sir.

Q I wish now, you would state what regular places there were in the family for servants at Mr. Whittings ?

The Justice: This is previous to Mrs. Whiting's death.

Mr. Hill: Yes.

The Witness: There was no housekeeper previous to her death.

Q Was there none previous to her death ? A I don't think so.

Q There was none when you came there ? A No, sir.

Q What else was there ? A One chambermaid and one cook.

Q Nobody to assist the cook ? A No, sir.

Q Was there a butler ? A A waitress.

Q No butler ? A No, sir.

A A coachman ? A Yes, sir.

Q And the gardiner ? A Yes, sir.

Q Any more men employed about the place ? A One more.

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Q What position did he have ? A I should say helping the gardiner and some other things.

Q Sort of a general utility man ? A Yes, sir.

Q There was three men and four women servants for the family?

A Six women servants.

Q I want you to state who the servants were, for instance, who was the coachman when you first came there ?

A His name was Richard Irving.

Q How long did he stay ? A He is there yet.

Q And the gardiner? A His name was Ryan.

Q Where is he ? A I can't tell you.

Q How long did he remain ? A Up to last Summer. One that was there when I went his name was Charles something. Then another was there and he remained until last Spring.

Q Who was the one that followed him ? A Tim, I don't know his other name.

Q You don't remember his other name ? A I can't tell his other name.

Q Now, state about the girls. What girls were in the house when you went there, servants I mean ? A I can't tell you the servants when I went there, I don't remember.

Q Can't you remember one ? A No, for when I went there they changed.

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Q Do you mean there was a general change in the servants when you went there ? A I should say so. Mrs. Whiting was not very well.

Q Who were the first family servants whom you now remember?

A There was a seamstress by the name of Bella, she was there when I went there.

Q Do you know her other name ? A No, sir.

Q Is she there now ? A No, sir.

Q How long did she stay ? A Until a few days before Mrs. Whiting died.

Q Who succeeded her ? A Catharine Mooney succeeded her.

Q Is she there now ? A No, sir.

Q When did she leave ? A Last Summer.

Q Who succeeded Catharine ? A A girl by the name of Dora Gray.

Q Is she there now ? A No, sir.

Q When did she leave ? A When Mr. Whiting moved to the city.

Q Who succeeded her ? A No person.

Q Then there has been no seamstress since ? A No, sir.

Q Who was the cook when you went there ? A A ~~girl~~ girl by the name of Catharine, I don't know her other name.

Q How long did she stay ? A About two weeks after I got there.

Q Who succeeded her ? A A woman by the name of Annie Harris

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- Q Is Annie there yet ? A No, sir.
- Q When did she leave ? A After Mrs. Whiting died.
- Q How long after ? A About a week I should say.
- Q Who succeeded her ? A Bridget O'Connor.
- Q Is Bridget there yet ? A. No, sir.
- Q Where is she ? A Left.
- Q How long did Bridget remain ? A Up to September of that year.
- Q Who succeeded Bridget ? A A girl by the name of Hines.
- Q Do you recollect her given name ? A Kate.
- Q How long did Kate stay ? A She remained the Winter up to March.
- Q Who succeeded Kate ? A Margaret McGee.
- Q Is she there now ? A No, sir. She stayed up until last Christmas.
- Q Who succeeded Margaret ? A Margaret Dougherty.
- Q Is she there still ? A No, sir, she has left.
- Q When did she leave ? A When Mr. Whiting moved to the country a month ago.
- Q Who is there now as cook ? A Maria Williams.
- Q Now, take the waitresses and just go over them, who was there then and about how long each one stayed ? A About a month after going there there was a change for a few weeks and I can't recollect their names.

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- Q There were several you don't remember ? A Yes, sir, for about two weeks.
- Q Take the first one ? A One was named Mary, she remained the Winter up to April.
- Q That would be April, 1883 ? A Yes, sir.
- Q Who succeeded Mary ? A Alice, I don't know her other name, she remained a few months.
- Q About what time did she stay ? A I can't say tell you, the housekeeper changed while I was away, I don't know.
- Q Who was the next one who went in Alice's place ? A I don't recollect her name she just left us about a couple of days after I got home, I don't recollect her name at all.
- Q Who succeeded her ? A A girl by the name of Dobbs.
- Q Do you remember her given name ? A I don't recollect her other name.
- Q How long did she stay ? A Up to February.
- Q Of 1884 ? A 1882-- last year.
- Q Who succeeded her ? A A girl by the name of Mary succeeded her for a month.
- Q Mary what ? A Brown.
- Q How long did she stay ? A A month.
- Q Who succeeded Mary Brown ? A Eliza O'Holloran.
- Q How long did she stay ? A Eleven months.
- Q That would be to about January ? A Yes, sir.

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- Q This last January ? A Yes, sir.
- Q Who succeeded her ? A Mary Hagan.
- Q Is Mary there yet ? A Yes, sir.
- Q Now, take the chambermaids and tell me who were there ?
- A When I was there there was a girl by the name of Maria O'Shay.
- Q How long did she stay ? A She came there the same week I did.
- Q How long did she stay ? A Up to a year and three months.
- Q She was there after you became housekeeper ? A Yes, sir.
- Q Who succeeded Mary ? A A girl by the name of Maria McBride.
- Q Is she there yet ? A No, sir, she was there two months.
- Q Who succeeded her ? A A girl by the name of Delia Eagan.
- Q She is there yet ? A Yes, sir.
- Q Who succeeded you in charge of the children ? A No, person, I took charge of them myself.
- Q You did the double service of taking care of the children and of housekeeper ? A Yes, sir.
- Q Had general charge ? A Yes, sir.
- Q Was there a nurse there while you were there after you became housekeeper ? A No, sir.
- Q You were the nursery governess, I think you said ? A Yes, sir.
- Q Was there a nurse besides ? A The seamstress took charge

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o of the children.

Q Was there no one as nurse under you at any time ? A.No, sir

Q I see that there is in the paper of which you complain in the World, a paper which purports to be a copy of the communication--did you ever see anything like that before that was published in the newspaper ? A Yes, sir.

Q You did ? A Yes, sir.

Q When did you first see it ? A Sent to me through the mail.

Q Something came through the mail ? A Yes, sir.

Q Have you a copy of it ? A Yes, sir.

Q What did you do with the paper which you got ? A I handed it to Mr. Whiting.

Q James R. Whiting ? A Yes, sir.

Q When did you hand it to him ? A The morning I received it.

Q Is that the envelope and paper which you thus received (showing paper and envelope) ? A Yes, sir.

Q The enclosure which you ^{referred} received to~~o~~ ? A Yes, sir.

Papers marked for identification Ex. 1 & 2

of this date.

Q I observe that this little paper has a memorandum in the corner 26 D, do you know what that means ? A The date I received it.

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Q Is that in your handwriting ? A No, it is not in my handwriting.

Q In whose ? A I can't tell.

Q Do you know ? A No, sir.

Q Have you any information as to whose handwriting it is ?

A I gave it to Mr. Whiting when I received it, he took care of it for me.

Q Was it on the paper when you received it ? A No, sir; I don't think so.

Q How do you know that memorandum in the corner refers to the date you received it ? A I remember.

Q But you don't say you put it on ? A No, but I remember the date I got the letter.

Q What does D mean ? A I don't know except it would be for date.

Q 26 means the date ? A I would say it was for the ~~xxxx~~ day of the month.

The Justice: If you don't know it say so.

By Mr. Hill:,

Q Why did you say to me it ~~xxxxxx~~ represented the date ?

A I thought it might be.

Q That was the only reason ? A Yes, sir.

Q So you undertook to state it represented the date whether it did or not ? A Yes, sir.

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- Q Was the 26 D upon the outside of the envelope when you received it ? A I don't think so.
- Q Do you know what that means ? A No, sir.
- Q Did you ever see any more papers like that ? A I saw one but not exactly, I can't say I saw it.
- Q Which appeared to be a copy of it ? A I can't say it was a copy of that.
- Q Where did you see that ? A With Mr. Whiting.
- Q When ? A The morning I received it.
- Q The same morning when you received this paper Exhibit 1 and 2 you saw papers which were like that in Mr. Whiting's possession ? A Yes, sir.
- Q Did you see that before he saw them ? A No, sir.
- Q How did you get your letters that morning, from the postman ? A Yes, sir, the postman rang the bell and I answered it and he threw the letter in the window and I picked it up.
- Q Did the letter ^{for} ~~have~~ Mr. Whiting come the same time ? A No, sir.
- Q It did not come the same time ? A I did not hand it to him, I don't know.
- Q Did it come the same time by the same postman ? A I don't know, I didn't hand it to him.
- Q Were there any other letters or circulars or papers-- any mail matter which came by that postman that morning when

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you received this letter or paper marked Exhibit 1 ?

A I don't think so.

Q Are you sure ?

The Justice: She has stated she does not think so.

The Witness: I don't think so.

By Mr. Sullivan:

Q You mean to the best of your recollection ? A Yes, sir.

By Mr. Hill:

Q Did Mr. Whiting show you the paper which he had received before you saw this or after ? A After.

Q How long afterwards ? A As he read that I handed him mine, he took the other one out of his pocket and showed me like that (Witness waving her hand).

Q Do you know where that paper is now ? A No, sir.

Q Have you ever seen it since ? A No, sir.

Q After you handed this paper to Mr. Whiting Exhibit 1 and 2 did you ever see it again ? A No, sir.

Q Until this time ? A No, sir, until now.

Q So that he has had the custody of it so far as you know down to this time ? A Yes, sir.

Mr. Sullivan: Of this Exhibit ?

Mr. Hill: Yes, Exhibit 1 and 2.

By Mr. Hill:

Q Did you and Mr. Whiting talk about this paper at that time any ? A No, sir.

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- Q Not at all ? A No, sir.
- Q Not a word said ? A No, sir.
- Q So that all that occurred was simply the taking and handing your paper to him and he taking something out of his pocket and showing it to you ? A Yes, sir.
- Q Did he tell you to read it ? A No, sir, he did not give it to me to read. He said if I got any more through the mail to give them to him.
- Q He said something then ? A Yes, sir, he said that.
- Q Anything more ? A No, sir.
- Q Are you sure ? A Yes, sir.
- Q Did you ever receive any other anonymous or like communications to this ? A Yes, sir.
- Q Where are they ? A I burned them.
- Q Were they before or after the receipt of this one ?
A Before.
- Q Were they printed ? A No, sir, written.
- Q Was the envelope in writing as well as the body of the enclosure ? A Yes, sir.
- Q Did you show any of them to Mr. Whiting ? A No, sir.
- Q Or to anybody else ? A I didn't show them but I read the first one.
- Q To whom ? A In the kitchen.

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- Q To whom ? A To my fellow servants.
- Q What was her name ? A To all the fellow servants, all the girls five and myself, I read the letter.
- Q That was the first one. How long prior to the receipt of exhibit 1 ? A I should say about January I got the first one.
- Q How many have you received ? A Two and that.
- Q That makes three in all ? A Yes, sir.
- Q Did you keep a copy of the first one ? A No, sir, I don't know it was for myself at all, I was going to give it back to the postman but I burned it.
- Q Was it addressed to you ? A Yes, sir; to Mrs. Jennie Walsh 40 West 47th Street.
- Q You didn't know it was for you ? A No, sir.
- Q It was a very bad letter ? A Yes, sir, a very shocking letter whoever wrote it.
- Q Do you mean it is unfit to be repeated here ? A Yes, sir.
- Q Making any accusations against you ? A No, no accusations at all.
- Q Please state in as delicate a way the general character of the letter. Who was it about and what did it mean?
- A It was a demand for money, for \$50. or \$100. and if I did not come with it it would be the worse for me: that

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the old father had plenty and I could get it from him and something else, some other words. So I didn't think it was for myself or it came by mistake and I burned it.

Q Had it the address on it, the street and number ?

A No, but I noticed it was post marked New Jersey, the initial at the end of it D & M.

Q And that was an application for money ? A Yes, sir.

Q And how did it address you ? A It was addressed to Jennie Walsh 40 West 47th and it was addressed Dear old girl and dear old Jen, all that kind of addressing in the letter, saying that he had worked very hard and was wanting \$50. or \$100. and I should come with it and if I didn't come with it it would be the worse for me.

Q Was that the entire substance of the letter ? A Yes, sir.

Q And there was nothing else in it except that ?

A Nothing else.

Q You said it was so horrid you didn't want to say it.

Mr. Sullivan: She didn't use those words, she said it was shocking.

By Mr. Hill:

Q But you read it to the servants ? A Yes, sir.

Q So that however shocking it was it was not too shocking for you to read to them ? A No, sir, it was just a surprise to me when I got it.

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- Q Was there any other Jennie Walsh or Jane Walsh in the house ? A No, sir.
- Q Did you make any inquiry to see if there was any other person by the name of Walsh in the neighborhood to whom it might be sent by mistake ? A I did.
- Q Did you find any ? A No, sir.
- Q Before you burned it ? A I made that inquiry when I got this second letter.
- Q Did you make it about the first one ? A No, sir!.
- Q How long did you keep the first letter ? A While I was reading it.
- Q In whose presence did you burn it ? A Presence of the cook, waitress, chambermaid and laundress.
- Q I have forgotten the order in which those names were given to me, ~~when they~~ won't you be kind enough to go over them again ? A Margaret McGee, Delia Eagan, Eliza O'Holleran and myself.
- Q I observe in this letter or in speaking of this letter you use the expression "he" said so and so. How did you come to use the expression "he" said so and so ?
- A I took the letter to be from some man to a woman. I took it by the writing, by the way he expressed his writing that it was a man who wrote the letter.
- Q That was the reason you said "he" ? A Yes, sir.

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Q Did it appear to be in a man's handwriting? A Yes, sir; some was round and some quite scratchy.

Q Let me understand what you mean? A As if he had a bad pen and was trying to make the down strokes which would not come or that the ink was thick.

Q That it was done with a bad pen or thick ink? A Yes, sir.

Q It was not good ~~wixxm~~ writing? A Very bad writing. Some of the letters were good but on the whole it was bad writing.

Q Did you notice the date on the envelope and postmark?

A As far as I remember it was about the 13th of January.

Q In New Jersey somewhere? A The stamp was New Jersey-- Jersey City on the envelope.

Q Now did any of the girls in the house get any such letters so far as you know? A Not that I am aware of.

Q There was no imputation of any sort of impropriety in the letter so far as you were concerned-- this first one?

A I don't recollect it all quite. I read it through and when I had finished reading it I concluded it was a demand for money and that the man and woman must be on very intimate terms and that if I didn't come with the \$50. or \$100. it would be the worse for me.

Q There was nothing in the letter which made any imputation against you personally, was there? A No, I should say not.

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- Q There was no reference in the letter as if it had been addressed to some person who had been guilty of some impropriety with a man ? A I don't think so.
- Q Nothing of that kind ? A No, sir.
- Q But it was simply a letter for money ? A Yes, sir.
- Q What we call a blackmailing letter ? A I don't know what you call a blackmailing letter.
- Q You don't know what we mean by that ? A No.
- Q When did you get this second one ? A About February I should think, I am not quite sure of the day.
- Q And how was that one addressed ? A Mrs. Jennie Walsh.
- Q What has become of that one ? A I burned that. I left it in the room to be given back to the postman. It was there for a week afterwards and I burned it.
- Q You opened it ? A Yes, sir.
- Q Who received it from the postman ? A I found it on the floor thrown in the window.
- Q It was you who found it there ? A Yes, sir.
- Q On the floor ? A Yes, sir.
- Q Did you find the first one or did the postman hand it to you ? A The first one was taken by some person, I found it with Mr. Whiting's letters in the pantry, the waitress said, there is a letter there for you.
- Q What waitress was it, do you recollect ? A Eliza O'Holleran.

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Q What was the postmark of the second one which you received? A Jersey City too, I think it was.

Q Was the inside of the letter in printing or in handwriting?

A Writing.

Q Looked like the other? A Very much so.

Q Same sort of scratching? A With the exception it was written in a bluish ink.

Q But the handwriting was like the other? A Yes, sir.

Q Had that same scratchy peculiarity? A Yes, sir.

Q How did that second one begin? A I can't understand.

It was a lot of figures and letters, five or six lines on ruled paper and on the five or six lines there was nothing but figures-- figures and dots and so on and then signed D.M.

Q There was no address to it at the beginning? A No, sir.

Q Not like the other? A No, sir.

Q Did you show it to anybody? A No, sir. I read it and said I don't think this is for me, please give it back to the postman.

Q To whom? A Margaret Dougherty, the cook-- when you next see the postman please give it to him. She left it on the table, it was there for a week and I burned it.

Q How did you come to burn it? A I thought it could not be for me; as there was no address that I could send it

0043

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back by, I made several inquiries to find if there was any Jennie Walsh in the neighborhood and as the letter did not seem to be of much consequence, as I thought, I burned it.

Q Didn't it strike you as a funny thing that you should have had two letters ? A It was after burning that letter that the funny thought struck me-- that there was something funny about it.

Q Then as soon as it began to strike you as funny you preserved the next one ? A With Mr. Whiting's permission I did.

Q With Mr. Whiting's permission ? A Yes, sir. When I found out I was very unhappy I said Mr. Whiting I want to speak to you. He said what is the matter. I said Mr. Whiting you expect to move the first of May and I feel unhappy and I don't think I care to go to Spuyten Duyvil with you. He said what is the matter, I said I have received anonymous letters and I think that it will be better for you to get somebody in my place and let me have a chance to get another situation. He said, did you have anonymous letters, I said Yes, sir, and he asked me how many and I told him two and he then said if you get ~~another~~ any more bring them to me, he said never burn anonymous letters and he told me not to leave. No more passed until

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I got that next letter and took it to him.

Q Then what occurred? A He said if you get any more bring them to me.

Q I mean the last one? A I took it to him and he said if I get any more he wished to see them. So time passed and I never got any more until I was visited by a reporter.

Q Can you remember the color of this first letter you received-- the paper? A I should say it was white.

A And the envelope? A White.

Q And how were the second ones? A White.

Q Are you pretty sure? A Yes, sir.

Q Ruled paper was it? A Yes, sir.

Q About such paper as this one? A Yes, sir, that kind.

By the Justice:

Q Regular letter paper? A Yes, sir.

By Mr. Hill:

Q There was nothing in either of these two letters to indicate that you were in the employ of Mr. Whiting, was there?

A No, sir.

Mr. Sullivan: That is as to the letter and not the address.

By Mr. Hill:

Q How was it addressed, care of Mr. Whiting? A No, sir, nothing of that, simply the street number and the name Mrs. Jennie Walsh.

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Q Are you sure the name was Jennie on each of the first two?

A Yes, sir.

Q It wasn't like that one-- Jane Walsh ? A No, sir.

Q Do you mean that the first thing on the first line were figures in the second letter ? A Yes, sir.

Q Five or six lines and figures and dots and then letters ?

A Yes, sir.

Q No word spelled out in full ? A No, sir.

Q Anything like the sign of dollars as we make it sometimes?

A I don't think so.

Q Just a line of figures and D. M. signed ? A Yes, sir.

Q Did it strike you as being anything very bad ? A No, sir.

Q How long was it after you burned up that letter before you thought it was funny and queer ? A About two weeks.

Q Had you thought of it much in the meantime ? A Yes, sir.

Q Many times ? A Yes, sir.

Q What did you think about it for two weeks when you thought it was queer and funny ? A When I searched and there was no other Jennie Walsh that I could find I thought that it must be for me and that-- well, I don't know exactly what I thought. I thought I would ~~find~~ feel happier if I got another situation, that is just what I thought, I didn't think of anything else but just that and as soon as I did thought it I went to Mr. Whiting.

0046

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- Q Whom did you inquire of to see if there was any Jennie Walsh in the neighborhood ? A The waitress that lived in 40 West 47th Street before we went there.
- Q What was her name ? A Maria.
- Q Maria what ? A I can't tell you-- Maria something.
- Q Do you know where she is now ? A I don't know.
- Q What family was she serving in ? A The onwer of the house Mr. Beer.
- Q Did you inquire of anybody else ? A The chambermaid at 43.
- Q What was her name ? A Sarah Quinn.
- Q Do you know where she is now ? A Belonging to Brooklyn but I don't know she is there now.
- Q What family was she serving in ? A Mr. Hart.
- Q What Mr. Hart ? A A clergyman.
- Q Did you make any other inquiry ? A No, sir.
- Q So that you were two weeks making inquiry of these two people ? A Yes, sir.
- Q Where did you find Maria ? A At 43, Mr. Hart's house.
- Q Was she living right alongside of you ? A Yes, sir.
- Q How long had you been acquainted with her ? A She was the waitress belonging to the house.
- Q Had she been running in the house familiarly as a friend after you came there ? A Not familiarly as a friend, no, sir.

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Q Did you know her at the time you received the first letter?

A Yes, sir.

Q Did you ask her then? A I did.

Q You asked right away when you got the first letter?

A Not right away, three or four days after.

Q When did you ask the other girl? A The week after, I didn't ask the two together.

Q So you had asked both these girls if they knew any one by the name of Jennie Walsh before you received the second letter? A Yes, sir.

Q Did you make any other inquiry further, ~~than~~ to find out whether there was any other Jennie Walsh to whom letters might be addressed after you received the second letter?

A No, sir.

Q What were you doing those two weeks before you made up your mind it was funny and that perhaps you had better leave. Did it take you two weeks to come to that conclusion after making the single inquiry? A I thought that I would speak to Mr. Whiting and then my courage would fail me and that I would speak to him again but I would not have the courage, because he is a gentleman that don't speak much without speaking to him.

Q Why were you afraid? A I don't know. I didn't want to make him the trouble of my leaving and getting somebody

0048

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in my place.

Q What made you think he would want to get somebody in your place ? A I felt I would be happier in another situation.

Q Why would you be happier in another situation. Didn't you think the same fellow that had written these letters would follow you ? A I didn't think he would because I will go away where he would not know.

Q Did you really think of going away somewhere where he could not reach you ? A Yes, sir.

Q How long were you reflecting upon that subject ? A The whole winter. I was afraid to go outside the door.

Q Really then you thought of leaving Mr. Whiting's employ in order to secret your whereabouts ? A Yes, sir.

Q When did you begin to think about that ? A About February.

Q After or before the second letter ? A After the second letter.

Q You say you were afraid to go out of the door all Winter ? A Yes, sir.

Q That means all Winter from December ? A Not from December but from the time I received the first letter.

Q You began to feel frightened when you received the first letter ? A In a little way but I would not give way to it.

0049

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- Q What did you think that made you frightened on the receipt of the first letter ? A I thought it was strange that I was demanded money from some unknown person.
- Q And it was the fact that somebody was demanding money of you that made you frightened ? A Yes, sir.
- Q Didn't you suspect it was a joke from some of the servants ? A No, sir.
- Q Didn't you ever mention that ? A No, sir, I didn't think it was such a thing as a joke.
- Q Never tried to find out if some of the servants had not sent it for fun ? A No, sir.
- Q Never spoke to them in that way about it ? A No, sir.
- Q Didn't you when you read it to them in the kitchen ? A We had a talk about it-- that it was very strange-- some old lover of yours has turned up and is in want of money or is in a scrape.
- Q Who said that ? A The six of us said it in one voice.
- Q What did you say to that ? A I didn't say anything.
- Q Nothing at all ? A No, sir.
- Q Was it laughed off ? A No, sir; they didn't laugh it off at all.
- Q You are not married are you ? A No, sir.
- Q Had you in point of fact been keeping company after you came here from Ireland ? A Yes, sir, I had.

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Q With anybody when you were at work for Mr. Hone ?

A No, sir.

Q No one absolutely ? A No one in America.

Q Have you since that time ? A Not in America.

Q You had in the old country ? A Yes, sir.

Q For how long ? A Up to now.

Q You gave the letter, this Exhibit 1, to Mr. Whiting on the same day of its receipt ? A Yes, sir.

By Mr. Sullivan:

Q Do you remember whether you received it in the morning or evening ? A Morning.

By Mr. Hill:

Q This you think was received about the time it is stamped?

A Yes, sir.

Q Did you consult any lawyer about the matter yourself ?

A No, sir.

Q None at all ? A No, sir.

Q Did you ever consult one yourself ? A No, sir.

Q Never did ? A No, sir.

Q Did you ever employ one ? A No, sir.

Q In connection with the matter ? A No, sir.

Q Did you ever contemplate making a complaint against anybody ?

A No, sir.

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Q Prior to the 13th of June ? A Yes, sir.

Q How long prior to the 13th of June ? A Two weeks.

Q About the first of June ? A Yes, sir.

Q Who suggested a complaint to you ? A I suggested it myself.

Q To whom did you first mention it ? A To Mr. Whiting.

Q Where ? A 43-- 47th Street, New York.

By the Justice:

Q Mr. Whiting's house ? A Yes, sir.

By Mr. Hill:

Q That was about the first of June ? A Yes, sir.

Q Have you any means of stating the day of the week ?

A I don't recollect the day of the week.

Q Was any person present except Mr. Whiting and yourself ?

A No, sir.

Q How many times did you and Mr. Whiting talk about it between the first of June and the 13th of June ?

A About twice.

Q The first time was about the first of June ? A Yes, sir.

Q What was the second one ? A About a few days after--- a week or so after that.

Q Can't you be more specific than that ? A Four or five days after that.

Q Who was present this second time ? A No, person.

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Q Did you begin the conversation or did he ? A Mr. Whiting gave me a paper to read, I commenced it.

Q You commenced it ? A Yes, sir.

Q He gave you a paper to read ? A Yes, sir. He asked me if I had seen the World. I had forgotten I had read the World. Mr. Whiting gave it to me to read. I had read it before but had forgotten it. He then asked me what I had to say, I said, well, I was willing for my name to do anything I could to prove myself innocent. I told him I was willing to do all I could. Mr. Whiting said are you. I said, yes, sir, I am just willing to come before the Court and prove myself innocent as he was to come before the public with the letter.

Q That was the first of June or when ? A A few days after the first of June.

Q Did you say first that you were willing to go into Court, and prove your innocence ? A Yes, sir, I did.

Q Did you then fear anybody ? A No, sir.

Q You feared no person ? A No, sir.

Q How did you get over being afraid about the receipt of the letters prior to that-- you said you were afraid after you got these letters ? A After I had spoken to Mr. Whiting.

Q After you spoke to Mr. Whiting and suggested to him that

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perhaps you had better leave and he should get somebody else and he told you you must stay then you got over being afraid ? A Yes, sir.

Q Then you didn't care a snap about the letters ? A No, sir.

Q How long before Mr. Whiting showed you the newspaper, the World, was it that you yourself had seen the World ?

A I had seen all the papers of the morning of the 26th or 27th, I forget which.

Q Of May ? A Yes, sir, all the papers-- I saw the report of it in all the papers-- I read them.

Q And Mr. Whiting handed you a newspaper about the first of June or was it four or five days after the first of June?

A Yes, sir.

Q So that from the 27th of May down to four or five days after the first of June there had been nothing said by Mr. Whiting or by you ? A No, sir.

Q About it ? A No, sir.

Q And then he showed you the World ? A Yes, sir. He asked me if I had seen all the papers-- did I see all the papers and I said, yes, sir, I think I read all, he asked me then if I could name the papers and I did not recollect whether I read the World or not. I gave him the names of all the papers I read but I wasn't sure about the World, but I had the World for I had cut it out but had disre-membered it.

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Q You mean you had seen the World and cut the slip out and then when Mr. Whiting handed you the paper you had forgotten that you read it ? A Yes, sir.

Q Forgotten that you had cut the slip out ? A Yes, sir.

By Mr. Sullivan:

Q That particular paper.

By Mr. Hill:

Q Do you mean you forgot that particular paper or forgot reading the article ? A That particular paper.

Q I wish, Mrs. Walsh, perhaps you have already done so, but for the sake of certainty I wish you would begin at the first thing that occurred between you and Mr. Whiting that morning-- if he said anything or you said anything state that, state what he said or you said about it four or five days after the first of June ? A When he had asked me--

By Mr. Hill:

Q Don't say when.

The Justice: State what occurred when he gave you the article.

A He said, "What do you think about that", as far as I can recollect his words-- he asked me what I thought. I said it was awful. I said I wish I could know the person who put it in. I think-- if I didn't say it I meant it-- if I was rich enough I would search everywhere until I could bring him to justice-- I don't know whether I

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Q You mean you had seen the World and cut the slip out and then when Mr. Whiting handed you the paper you had forgotten that you read it ? A Yes, sir.

Q Forgotten that you had cut the slip out ? A Yes, sir.

By Mr. Sullivan:

Q That particular paper.

By Mr. Hill:

Q Do you mean you forgot that particular paper or forgot reading the article ? A That particular paper.

Q I wish, Mrs. Walsh, perhaps you have already done so, but for the sake of certainty I wish you would begin at the first thing that occurred between you and Mr. Whiting that morning-- if he said anything or you said anything state that, state what he said or you said about it four or five days after the first of June ? A When he had asked me--

By Mr. Hill:

Q Don't say when.

The Justice: State what occurred when he gave you the article.

A He said, "What do you think about that", as far as I can recollect his words-- he asked me what I thought. I said it was awful. I said I wish I could know the person who put it in. I think-- if I didn't say it I meant it-- if I was rich enough I would search everywhere until I could bring him to justice-- I don't know whether I

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said it all to Mr. Whiting or not.

By the Justice: Don't state anything you don't think you said.

A He asked me then, would you do anything, I said I will do all I can. I told him I would do all in my power to come to Court to have ^{him} prove those words in the printed papers against me. Mr. Whiting then asked me questions about letters-- If I had ever said it and I answered--

Q If you had ever said what ? A He asked me in the letter. He asked me questions in that letter-- if I was guilty of that or if I had said what was printed there. I answered No, sir. He asked me if I-- he questioned me if I knew any one by the name of Johny F. in there. He questioned me as to the article. I told him I was entirely innocent of the charges made in that printed letter. I never uttered words that were in it. I said I never uttered anything as to being Mrs. Whiting No. 2 or I didn't know a young man by the name of Johny F. I never was out ^{from} ^{years} ~~for~~ ~~over~~ ^{two} ^{nights} outside his door and for five months was never for one night in the week outside as far as the gate after nine o'clock. I told him I was less out than any of the other girls in his employ. I didn't have time to go out. I told him I was entirely innocent of the charges and was willing to do all I could to be the means

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of bringing him to justice to prove my innocence as well as to prove in the papers-- I would do all I could to prove my innocence in a Court of Justice. I said this to Mr. Whiting.

Q Was anything said about your remaining in his family ?

A Nothing about leaving then.

Q About remaining ? A No, sir.

Q Did you regard that at that time when he talked about the letter-- did you regard that as a sort of calling you to account for anything that was contained in the letter?

A Yes, sir.

Q You understood Mr. Whiting as striving to investigate this thing to see whether these stories were true ? A Yes, sir.

Q And you felt a little as if you were on trial ? A Yes, sir.

Q Was Mr. Whiting very severe about it ? A Yes, sir.

Q You understood he meant business ? A Perfectly, yes.

Q Was he more severe than usual in his manner-- a pretty good natured fellow generally wasn't he ?

A He never interferes.

Q He is pretty good natured around about the place isn't he ? A I don't know what you call good natured.

Q He is not a severe man ordinarily ? A No, sir.

Q Is not a scold ? A No, sir.

Q You know what we mean by a pretty good natured fellow ?

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A I would not call my master a pretty good fellow.

Q I, understand you wouldn't do that-- that you have proper respect for your position-- but you think so in your mind ? A Yes, sir, a good gentleman.

Q You never saw him as severe as this before when he called you to account ? A I don't think I have.

Q You felt sure he was calling you to account ? A Exactly.

Q And in response to that you said to him you ~~wxw~~ would go to Court ? A Yes, sir.

Q Did he say anything about Court ? A No, sir.

Q Not a word ? A No, sir.

Q So it was you who suggested the Court business. How did you know where to come ? A I should think it was easy found. It is a place I never was in and I hope it will be the last time.

Q Somebody told you ? A I got Mr. Whiting then to push it for me.

Q You got Mr. Whiting to ? A Yes, sir, when it would be convenient.

Q At his convenience to push it for you ? A Yes, sir.

Q Did you speak to him about it again after that before the 13th of June ? A The night of the 12th.

Q Where did you say anything to him about it then ?

A At 43-- the house.

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- Q Who was present ? A No person.
- Q Whereabouts in the house was it ? A The children's room up stairs.
- Q Were the children there ? A No, sir, they were in an adjoining room not exactly where Mr. Whiting was.
- Q Did he speak first or did you speak to him-- did you introduce the subject ? A Not that night.
- Q He introduced the subject ? A Yes, sir.
- Q What language did he use in introducing the subject to you ? A He said are you prepared to push this, and I said yes, sir.
- Q What else ? A He asked me if I was willing to go to the Court House, I said, I am perfectly willing to do all in my power.
- Q What else ? A He asked me how soon would I go and I said any time. Then I went the next day.
- Q Did he go with you ? A No, sir, not with me.
- Q You came alone, absolutely alone ? A Yes, sir, but Mr. Whiting met me.
- Q Where did he meet you ? A 125th street.
- Q At the Court House here ? A No, sir; the railway station.
- Q The elevated Railway station ? A Yes, sir.
- Q Did he agree to meet you there ? A No, sir, he said he would meet me some place at the Court House. He described

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the way to come. He said he would meet me there for fear I would go astray.

Q When did he say that, the night before? A Yes, sir.

Q So he told you you were to go to the Court House next morning and he would meet you there or about there so as you would not go astray? A Yes, sir.

Q It was this matter about Johnny F. he talked to you about the night before, was it more especially-- that night he was so severe? A No, sir, it was not that. I think Mr. Whiting was more severe as to the Mrs. Whiting part. He was more severe on that than about Johnny F.

Q He was severe enough about Johnny F.? A Not severe on that. He simply asked me if I knew any one by that name and I said no.

Q Did you notice the difference between the letter as published and this printed slip which you had received?

A There is a little but not much. Just a few words.

Q It was a little that meant a great deal wasn't it?

A I don't think I noticed much difference. In fact no difference with the exception that Mr. Whiting had only one child instead of four.

Q You just look again-- take the World article, look at it and compare it carefully with the printed slip and see

if you don't see a difference and a very important difference Mrs. Walsh-- look after the words Johnny F. ?

A I see that--

Q As to the line in what we call the Exhibit where it says, I know of your *two nights with Johnny F.* which ~~says~~ says in the paper which is printed, I know of your *indiscretion with Johnny F.* Now don't you regard that as a very important difference between the printed slip and the newspaper ? A I didn't have the printed slip when I read the paper.

Q You had given it to him the night before ? A Yes, sir.

Q He had it in his possession ? A Yes, sir.

Q And knew all about it ? A Yes, sir.

Q I take it that you had a notion that you would go to Court and clear yourself from the imputation which was made in this letter, didn't you ? A In the paper letter-- Yes, sir.

Q The thing that is pretty nearly a copy of this slip ?

A Yes, sir.

Q So that was the fellow you were after ? A Exactly.

Q And now you are very clear about that ? A Yes, sir.

Q It was the man who had written that nasty letter ?

A Yes, sir.

Q And gave that paper to be printed in the World ? A Yes.

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- Q You didn't care anything about the man who had written the letter in fact-- the printed slip, and sent it to you-- but it was the man who put it in the newspaper ? A Yes, sir, exactly.
- Q So you didn't care anything about the slip ? A Yes, sir, but I didn't know who it was.
- Q You felt very bitter towards the man who put it in the newspaper ? A Yes, sir.
- Q And you meant to go for him ? A Yes, sir.
- Q And did you tell Mr. Whiting so ? A I did, sir.
- Q Did Mr. Whiting tell you that it was Mr. Allen, the defendant who had put it in the newspapers ?
- A He did not.
- Q Did he say he knew who it was that put it in the newspaper ? A He did not.
- Q Did he ever tell you so ? A No, sir.
- Q Did anybody ever tell you so ? A No, sir.
- Q Never in the world ? A Never.
- Q Never told you it was Mr. Allen who put it in the newspaper ? A No, sir.
- Q Never in the world ? A No, sir.
- Q Did anybody ever tell you ? A No, sir, I thought that myself.
- Q When did you think that yourself ? A When I read the paper. I read it over and over, I read the whole thing

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and cut it out and when I had time to read it again I read it and pondered over it and come to the conclusion that it was no person but him through jealousy.

Q That he had done it through jealousy ? A Yes, sir, it was in the paper.

Q Through jealousy ? A I would say so.

Q Who did you think he was jealous of ? A Me.

Q What had you done that made you think Mr. Allen would be jealous of you ? A I read the paper, I read the report in the paper-- printed in the published papers that they were jealous of such a one stepping into their daughter's shoes. It was in the published papers.

Q It was in the letter before it was in the paper, wasn't it ? A Yes, sir.

Q And that letter you had received how long before ?

A In May.

Q You read that letter to the servants, the printed letter?

A No, sir; not the printed one.

Q Did you show it to anybody except Mr. Whiting ? A No, sir, except Mr. Whiting.

Q You have given me the names of your co-servants and the people with whom you lived. How much salary did you get when you went to Mr. Whiting's place ?

A \$18. per month.

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Q How much did you get as housekeeper ? A \$36.

Q What is your present salary ? A \$36. a month.

By Mr. Sullivan:

Q As housekeeper and nurse ? A Yes, sir.

By Mr. Hill:

Q What was your salary at Mrs. Hone's ? A \$13. a month.

Q And what was it at Mrs. Charles ? A \$18.

Q How did you come to leave Mrs. Hone ? A Mrs. Hone was an invalid, I took care of her beyond my strength. I ~~xxxx~~ left after being run down.

Q And how as to Mrs. Charles ? A Because I would not go to St. Louis with her.

By Mr. Sullivan:

Q Did she remove there ? A Yes, sir.

By Mr. Hill:

Q What was the trouble with Mrs. Hone?? A Inwardly complaint

Q Was she troubled with a cancer ? A Yes, sir.

Q Have you ever had any trouble with any of the servants whom you have had at Mr. Whittings ? A No, sir, no real trouble with any of the servants at all.

Q There is something that you don't call trouble, suppose you tell me about that ? A I don't call little differences trouble. If I want things done so and so to suit Mr. Whiting and they would do it slip shod-- I should

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not call differences like that trouble. I would like to have all things done to suit Mr. Whiting and if they wanted to do it their way of course that does not suit me but I would not call that trouble.

Q Who employs the servants at Mr. Whiting's ? A. I do, so far.

Q Who discharges them ? A What I engage I discharge.

Q How long has that been going on ? A I very seldom discharged them.

Q How long has that been going on-- that authority of yours?

A Since I am housekeeper-- two years.

By the Justice:

Q Since you were housekeeper ? A Yes, sir..

By Mr. Hill:

Q Did you ever discharge a servant ? A Not for myself.

Q Did you for Mr. Whiting ? A Yes, sir.

Q How many ? A Two.

Q What were their names ? A Maria O'Shay and Maria McBride.

Q Any others ? A No, sir.

Q Did you never tell any others that they might go ?

A The others left themselves.

Q Did they assign any reason for going ? A Yes, sir.

Q What was it ? A One left as housekeeper for her brother. another left to go to some country place, she had a fancy for.

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- Q Which left to go to housekeep for her brother ?
A The laundress.
Q And the other which went to some country place she had a fancy for ? A The cook.
Q What was her name ? A Margaret McGee.
Q What did the others leave for ? A The place didn't suit them.
Q What was the matter with the place ? A I don't know.
Q Did they never tell you ? A You may sometimes have little ideas in your mind you don't want to explain-- simply said they wished to make a change that ~~xx~~ is all.
Q Do you mean that some left from little ideas that they had, which you don't want to explain, or that you had, which you don't want to explain, which is it ? A They simply said they wished to go, that is all.
Q And told you so ? A Yes, sir-- those that left for themselves.
Q Do you mean they said to you that they left ~~xx~~ from little ideas that they didn't want to explain ? A No, sir.
Q That was merely your own inference ? A Yes, sir.
Q Were they good girls ? A Yes, sir.
Q Desirable servants ? A Yes, sir.
Q You didn't want them to go ? A No, sir. As long as they suit Mr. Whiting's place and his ~~xxix~~ place suits

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them they can stay as long as they like.

Q Did you want them to go ? A Not for myself.

RE-DIRECT by Mr. Sullivan:

Q I ask you to look again at the printed copy of the letter which we call the exhibit and I call your attention to the figures and the letter 26 D in the corner. As I understand it now you said you didn't see either those figures or that letter put there and you don't know who did it or for what it was done. Is that the fact ? A Yes, sir.

Q You were asked when you left and why you left the employ of Mrs. Charles ? A Yes, sir.

Q You have handed to me a letter signed Mrs. C. E. S. Charles Is that a letter which Mrs. Charles gave you when you left her employment ? A Yes, sir.

Q And that is her handwriting and signature ? A Yes, sir-- that is her reference to me dated October 2, 1881.

Q Is that the time she gave it to you ? A Yes, sir.

Q The time you left ? A Yes, sir.

Mr. Sullivan: I would like to read that or show it to the Justice. I don't claim I have any right to put the certificate in if counsel objects to it because the witness

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says she left because she would not go to St. Louis with Mrs. Charles.

Mr. Hill: She has stated herself and there is no imputation against Mrs. Walsh whatever, that I know of about her leaving Mrs. Charles. She comes here to complain against my client. Without making the slightest imputation against Mrs. Walsh I feel it is my duty to inquire minutely into her career and she has stated it herself.

By Mr. Sullivan:

Q Do you know the defendant here, Mr. Augustus H. Allen?

A Yes, sir.

Q He is now present in Court? A Yes, sir.

Q He is the person against whom this complaint is made, you understand? A Yes, sir.

Q As the person who published this alleged libelous letter?

A Yes, sir.

Q In the New York World? A Yes, sir.

Q All you know about the charge against him of being the one who published it you know from information in the World and from other information which comes to you?

A Yes, sir.

RE-CROSS by Mr. Hill:

Q What other information did you have at the time you swore to this complaint than that contained in the article?

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A Information alluding to the box of candy.

Q That is in the paper. I mean except that which is in the paper ? A I had no other information except in the papers that it was Mr. Allen took the article to be printed.

Q I wish you would take the "World" article and show me the thing in the "World" article which states that Mr. Allen gave the letter for publication. Mind it is not I am asking you about his showing the letter but it is the part where he gave the letter for the purpose of publication that I want you to look at and point out to me. I refer to the article in the "World" of May 28th, 1884, upon which your complaint is founded? (The witness looks at the article for some minutes) Do you have difficulty in finding what I refer to ?

Witness points out something to Mr. Sullivan.

Mr. Sullivan: Can I tell you what she points out to me ?

Mr. Hill: I would rather she would take the paper and let her~~her~~ herself pointing it out to the Court.

The Witness: I took it he said all this (Pointing from the caption of the article to the end thereof)

Q My question was this, asking you to point out the place and the words in the article-- anything wherein the article stated that Mr. Allen gave the letter for publication?

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A I take the whole article as coming from him.

Q The point is here. Do you find anything in that article which states he gave it to the newspaper to be printed?

A Don't it say so in the whole thing?

Q The letter had been published the night before, had not it, in the papers? A No, sir, I ~~damkk~~ didn't see it the night before.

Q Didn't you see the statement which had been published?

A No, sir.

Q Did you see the "Mail and Express"? A No, sir, not the "Mail and Express" I saw the "World".

Mr. Hill: Will counsel assume that the slip which I have here is from the "Mail" I have not verified it myself.

Mr. Sullivan: I rather not admit it unless it has been.

By Mr. Hill:

Q You didn't see the "Evening Mail and Express" under date of the 27th of May, did you? A No, sir.

Q Did you see this letter in the Herald? A Yes, sir.

Q And in what other newspaper? A The Sun and World.

Q And the Tribune? A Five or six papers, I forget the others.

Q Did you see it before Mr. Whiting spoke to you about it and showed you the World? A Yes, sir.

Q He showed it to you? A I got the papers in the Parlor as I was passing up from breakfast and read them. After

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I read them I went up stairs.

Q Mr. Whiting takes the World, does he ? A He had several papers-- takes several papers.

Q Did you see the Herald and the World and the Sun that morning before Mr. Whiting spoke to you ? A Yes, sir.

Q And read these things ? A Yes, sir.

Q Each of them ? A Yes, sir.

Q Then Mr. Whiting took the World ? A Sometimes.

Q Did he that morning have it ? A Yes, sir.

Q Are you sure ? A Yes, sir.

Q Where is that slip which you cut out from the World and forgot all about ? A I have it at Spuyten Duyvil.

Q Where is it now ? A In my trunk.

Q In what place in your trunk ? A The pocket of the lid.

Q You remember very well where you put it ? A Yes, sir, I have one piece there and another in my drawer of the Bureau-- one from the Herald and the other from the World.

Q When did you see them last there-- the one in the trunk?
A Yesterday.

Q When did you put it in the trunk ? A When I was moving from the city two weeks ago.

Q Where did you put it that morning when you cut it from the world? A In my pocket book.

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- Q Was it in your pocket in your pocket book when Mr. Whiting showed you the World ? A Yes, sir.
- Q How did you happen to cut out this slip from the World and not from the other newspapers ? A I did cut it from the Herald.
- Q And from the Sun ? A No, sir.
- Q Why didn't you ? A Because they belonged to Mr. Whiting and I waited until I bought a paper to cut it out.
- Q You bought a World of your own ?
A Yes, sir.
- Q And you saw it in the World-- that was Mr. Whiting's paper?
A Yes, sir.
- Q Then you went out and bought a World ?
A I went for it myself.
- Q And then bought a Herald ?
A Yes, sir.

Jane Walsh

*Sworn to before me
this 30th day of June 1884*

Samuel C. Bailey Police Justice

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Mr. HASTINGS being duly sworn, testified as follows:

Examined by Mr. Sullivan.

Q You are the witness who made an affidavit in this action of the People against Augustus H. Allen ? A Yes, sir; I made an affidavit.

Q (Showing paper) That is your affidavit ? A Yes, sir.

Q You were a reporter on the Newspaper in this City, known as the "World" on the 27th of May, 1884 ? A Yes, sir.

Q That was at that time a newspaper regularly published as a daily newspaper in this City ? A Yes, sir.

Q With a large circulation ? A Yes, sir; we considered it so.

Q We have here in evidence a paper that is marked as an Exhibit 2, which I ask you to take in respect to which Mrs. Walsh has been asked as to the difference there is in the contents of that paper and the publication in the New York "World" of May 28th, 1884. Will you state whether there is any difference and first state what that is.

Mr. Hill: I object on the ground that the papers speak for themselves and they are both in evidence.

Q They speak for themselves and in comparing them I ask your attention to this phrase which is in the Exhibit. "I know of your *two nights with Johnny F. behind the fence in Whiting's Woods*. Do you know, and can you state from

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your own personal knowledge anything said or done by the defendant in reference to the publication in the New York "World" of the contents of that letter omitting or changing the phrase which I have referred to ?

Mr. Hill: I object on the ground that this witness is produced for cross-examination and that this is a cross-examination by a representative of the People. It is my right to take him fresh without having him interfered with. He has put his story, and I have a right to take it as he puts it.

The Justice: I presume you have.

Mr. Sullivan: I will acquiesce in that now -- to save time and not jeopardize any right. It is a well settled principle of law that you may take your witness to make your case out following substantially the general allegations of the complaint. I do not concede on principle your right, but I will acquiesce now reserving my right hereafter.

CROSS-EXAMINATION by Mr. Hill.

- Q Where do you live ? A 61 West 9th Street.
- Q How long have you lived there ? A Three or four months.
- Q Where before ? A 97 Clinton Place.
- Q How long there ? A From July or August last.
- Q Where before that ? A 18 Washington Place.
- Q How long there ? A Three months.

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- Q And before that ? A 82 - 6th Avenue.
- Q How long there ? A Six or seven years.
- Q What is your age ? A 34.
- Q Born in New York ? A No, sir.
- Q How long have you been a reporter ? A Regularly on the reportorial staff since a year ago last October.
- Q You draw a distinction of some sort between a reporter and being on the reportorial staff, what is it ? A I was on the Associated Press nine years before that.
- Q You have been a reporter of public news then for how long ? A Eleven years.
- Q On the World how long ? A Since September last.
- Q Are you a married man ? A Yes, sir.
- Q Head of a family ? A Yes, sir.
- Q Any children ? A Yes, sir.
- Q I observe you state in your affidavit that you called at the office of Mess. Allen, Talmage and Allen, that is true ? A Yes, sir.
- Q Did you call for personal reasons or for reasons connected with your business ? A Connected with my business.
- Q How came you to call ? A Through an advertisement handed to me by our City Editor from the Herald that morning. He told me to call at the office and find what was in it. That is the usual course of our business and I did so.

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Q To call at Mr. Allen's office and find out what there was in it ? A Yes, sir.

Q Who did you see when you got at the office ? A Mr. Allen Sr.

Q Did you see this defendant at all ? A Not at the office not his office.

Q Won't you state what occurred between you and Mr. Horatio P. Allen at the office ? A As near as I can.

Q This is Mr. Horatio P. Allen that is now present, whom you saw ? A Yes, sir.

Q Well, please go on ? A I called and told him where I was from and told him what I came for.

Q I rather you would state what you said ? A That I came to find out what there was in the advertisement and Mr. Allen said take a seat, I prefer you should see my son who has this matter in charge entirely, he is not in but I expect him in soon. I took a seat and Mr. Allen began telling about this story about sending that candy.

Q Did he tell you voluntarily or did you ask him ? A Voluntarily.

Q Did you not ask him ? A Yes, sir; I asked him some incidental questions.

Q Now, don't omit anything. That is just what I want you to do, not to omit the things which you did. I am not here

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trying to get what Mr. Allen said but what you did ?

A I asked him what there was in this advertisement. He said he received this candy but I prefer you to see my son, he will be in soon and I think he will give you full particulars. He gave me a history of their family affairs and --

Q I am not asking you now whether he gave you a history of their family affairs or not. Tell me what this gentleman said to you ? A I can't recollect it.

Q State it as well as you can ? A He told me about sending this candy to his house, described the candy - candied fruit -- I supposed it was candied confectionery myself. It was sent to his wife, the old lady. She was away -- happened to be away and his son received the candy and discovered it was poisoned -- Paris green -- and he took it to the family physician who pronounced it as containing sufficient Paris green to kill several people. Mr. Allen seemed to be greatly worked up about it and --

Q I am not asking about that. Please don't tell what he seemed to be, but confine yourself to the conversation ?

A I asked him then, have you any suspicion who sent this candy. He shook his head. He said maybe we have a suspicion but it may not be well to express it. Then he began telling me about the family affairs -- About Mr. Whiting

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marrying his daughter and they always lived happily together. There had been no differences between his family and Mr. Whiting up to sometime before Mrs. Whiting's death. During her illness both he and his wife had taken care of her almost exclusively and were very devoted to her, as was also Mrs. Whiting to them. There was no apparent cause for any difference, but as soon as she died an apparent estrangement took place. Mr. Whiting's calls on his family ceased and his children who were always more or less to him were also estranged. They saw them very little. Then he said some strange rumors began to circulate about my son-in-law and his servant -- she is an ignorant thing -- she is a -----

Q Are you sure Mr. Horatio P. Allen used the expression ignorant thing or was not it ignorant woman? A I correct myself it was ignorant woman. Then he said rumors began to circulate. My son went to Mr. Whiting's house and tried to remonstrate with him -- tried to get a separation -- that is get a settlement of this affair between Mr. Whiting and his servant and stop these rumors and he was put out of the house. That is the last connection they had. Soon anonymous letters came in. We received anonymous letters. My wife received anonymous letters and our friends have also received anonymous letters. All seemed to be copies of the one letter making indecent exposures.

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Q Did he tell you they had all received -- that soon anonymous letters began to come and that they had received copies of the anonymous letters -- of all the anonymous letters or of only one ? A One.

Q You don't mean to say after the estrangement these anonymous letters came ? A I don't know, I can't tell. He said, I never received a letter. There were two letters received and that their friends also received copies of this letter. Mr. Whiting also received a copy of the letter, and then right on the heels of that came this poisoned candy -- who could have sent the letters and the candy, he said, I can't tell. But still he seemed to have a suspicion. We tried to bear it as long as we could but when the candy came we meant to ferret out the sender and bring him to justice and with that thing in view we put this advertisement in the paper.

By Mr. Sullivan:

Q Is that all ? A That is the substance. I can remember asking Mr. Allen the question outside, who he suspected sending the candy and asking also when Mr. Allen, Jr. would be in. He said he expected him in any moment. I had an engagement that afternoon to see Mr. Ward at Ludlow Street Jail and he said he wanted me to see Mr. Allen very much.

By Mr. Sullivan:

Q The son ? A Yes, sir.

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By Mr. Hill:

Q You said something about going to Ludlow Street Jail: kindly repeat that ? A I said I had an engagement there to see Mr. Ward. Mr. Allen desired very much I should see his son.

Q Did he say, I desire very much that you should see my son ?

A Yes, sir and I wished to see him too and get his story. I told him where I was going and told him I would probably be there until evening. I told him the hour and says I, as long as your son lives uptown he might stop there on his way home. Says he, I will tell him---I will have him see you any way and with that understanding I left and went up to Ludlow Street Jail and remained there until four or five o'clock and returned to the office.

By Mr. Sullivan:

Q What office ? A Office of the World.

By Mr. Hill:

Q Did you prosecute this inquiry in the ordinary manner in which you conduct inquiries in other matters for publication ? A Yes, sir, with one exception.

Q What is that ? A I didn't see the other side of the case, I merely saw one side.

Q I am now more particularly calling your attention to the method by which you elicit facts ? A Yes, sir.

Q I observe in your narrative of the matter that you made

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but two inquiries during that interview. Do you mean to say that you made no more ? A Not to my recollection.

Q Do you here swear that you did not ? A No, sir.

Q Will you undertake here to say that you did not interrogate Mr. Allen persistently for three-quarters of an hour ?

A I don't undertake to say I did or did not.

Q Don't you know you asked him at least a dozen more questions than those you have here stated ? A I do not know

Q Will you swear you did not ? A I do not think I did.

Q Will you swear you did not ? A Not being positive I will not.

Q Will you swear you did not ? A I will not swear.

Q Is it not the fact that Mr. Horatio P. Allen told you in substance he didn't want to talk about that matter and that he had nothing to do with it and didn't propose to have, or words in that substance ? A No, sir.

Q Do you swear he did not say so ? A Not in those words or anything meaning such.

Q Anything you understood as meaning it ? A No, sir.

Q Do you mean to say that you understood ^{and} there that the substance of what Mr. Horatio P. Allen was giving to you was for publication ? A If I didn't see his son I should use it.

Q Hit or miss ? A Yes, sir.

Q You would have used it whether he liked it or not ?

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A Yes, sir.

Q You considered that as a part of your business as a newspaper man ? A Yes, sir.

Q To go into ones office and make use of private inquiries and conversation for the purpose of publication ?

A If he had told me he didn't want me to use it I should not have done so, but he did not tell me.

Q The question I put to you was, would you have used it for publication hit or miss ? A I certainly should .

Q You would ? A Yes, sir.

Q You would have used it irrespective of his wish in the premises ? A He did not express any wish.

Q But you would have used it irrespective of any wish ?

Mr. Sullivan: I make the objection that it is immaterial and irrelevant, as to what this gentleman would swear to ^{as to} ~~or~~ what he would have done or would not. The question is what is the fact -- what did he so.

Mr. Hill: It is a question as to the manner in which this gentleman got at this business. It is a question as to who is responsible for this publication. We are getting at the exact point your Honor, this is the man who put it in the newspaper. He is certainly guilty of the act of publication--- of the physical act and he is striving to put the responsibility upon another. You are now right at the very nub of this case. I assure your Honor that it is getting to be a question of credibility between this wit-

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ness and Mr. Horatio P. Allen, with whom until this time no one has ever disputed.

// The Justice: I sustain the objection. He has not used any statement of Mr. Horatio P. Allen at all.

Exception by Mr. Hill.

Q How long did you say you were there ? A I should say fully three quarters of an hour -- between three quarters and half an hour.

Q And this old gentleman sat there pouring their family difficulty into your ear for three quarters of an hour, with but two questions from you, and all the while, as you understood for the purposes of publication ?

I A Yes sir, in a measure.

Q What do you mean by "in a measure" ?

A I presumed he kept me there talking until his son should arrive.

Q Is that what you mean by "in a measure" ?

A He qualified by saying he did not want me to publish it until I had seen his son. Of course he knew I was going to publish it.

Mr. Hill: I move to strike out the last part of the answer as to what the witness says Mr. Allen knew.

The Justice: Strike it out.

Q Did he make use of that expression "I don't want you to publish this, until you see my son ? A Yes, sir.

Q You made no memoranda at the time ? A No, sir.

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Q You speak now from your unaided recollection ?

A Yes, sir.

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Q Didn't Mr. Allen say this: "I don't want you to publish anything at all until you see my son ? A No sir.

Q Are you sure ? A Yes, sir.

Q Do you swear to it ? A Yes, sir.

Q Positively ? A Yes, sir, he did not use those words.

Q Didn't he use those in substance ? A No.

Q Have you now a clear and distinct recollection so you swear he did not use those words, or those in substance ?

A Yes, sir.

Q We understand you then as stating positively he did not use those words or anything like it ?

A You so understand me.

Q You as a newspaper man, I suppose, are in the habit of gathering news ? A Yes, sir.

Q And in writing up articles ? A Yes sir, that is our business.

Q Are you in any respect held responsible for the verity of the information which you gather ?

A We expect to get it correct.

Q Did you ever make a mistake reporting a conversation with a gentleman, in your life ? A I may have -- certainly. I have never been called to account for it.

Q It is not a question of "account", it is a question of being accurate ? A I think I am accurate.

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- Q Never made a mistake in your life ? A We all make mistakes.
- Q Did you ever ? A Possibly.
- Q Is that the best answer you can give ? A Yes, sir.
- Q Don't you know you have ? A No, sir. I take it for granted I am pretty correct.
- Q Never made a mistake in your life that you know of ?
- A Yes.
- Q How many ? A I cannot tell.
- Q Do you mean they are so many you cannot tell ?
- A Possibly so.
- Q Then go on and let us understand something about it ?
- A I cannot recall any mistakes in reporting.
- Q Can't recall a single one ? A No.
- Q But you said there have been so many possibly and you cannot recall any ? A I said in my life.
- Q Did you ever make a mistake in your life, in reporting a conversation with a gentleman ?
- A Not that I am aware of.
- Q Did you always state the whole of what was told you ?
- A No, sir.
- Q Then you do take the liberty of taking out and publishing what you please ? A We always take that liberty.
- Q Did you take that liberty in this case ? A Yes sir; if we were to publish everything that is given in the course of a conversation it would take up columns.

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- Q That is the reason you cut it down ? A Yes sir.
- Q You sift it ? A Yes sir.
- Q You put in what you think is important, and leave out what the interviewer thinks unimportant ? A Yes sir. We do not know what you consider important. We put in what we deem important.
- Q It is all left to your judgment ? A Yes, sir.
- Q Did you do that in this instance ? A I did.
- Q You remarked you did not publish anything at all but what Mr. Allen said to you in the interview. Does the remark you now make that you cut interviews to pieces and publish what you please, apply to your interview with young Allen ? A Yes, sir, exactly.
- Q Where are your notes of the original conversation with Mr. Allen ? A Destroyed.
- Q Did you destroy them ? A Yes sir.
- Q When ? A Threw them on the floor.
- Q When ? A When I got through with the article; we never keep notes.
- Q Did you ever look for those notes ? A No sir, it would be useless to do so.
- Q Do you know who destroyed them ? A No sir.
- Q Did you make any changes in this manuscript when it was sent to the press after you read it ? A I did not. I do not do that; it passes through the City Editor's hands.

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- Q Then after you report a conversation with a gentleman, then it goes to some fellow, who never has seen the interviewed at all, who also cuts it to pieces ? A It passes through the City Editor's hands, who is in power, to leave in what he wishes.
- Q So that when you prepare an article purporting to be an interview with a gentleman, you cut and hack it just as much as you please, and publish what you think ought to go in, and then it goes to somebody else who repeats the operation, and cuts out more ? A He can cut out more.
- Q In preparing an article by you gentlemen of the press, you strive to make it a readable article ?
- A As much so as possible.
- Q And that is the object of the other gentleman who supervises it ? A Yes sir, he tries to improve on it.
- Q In what respect ? A Sometimes it is necessary to cut out portions to make it less objectionable to the ears of modest people, and sometimes to improve upon it in grammar and sometimes to cut out immaterial matter so as to condense it as much as possible.
- Q What else ? A Nothing.
- Q Did you ever in your life, or one of your associates in business, or did you ever yourself, publish a statement of a gentleman whom you had interviewed, who did not want to have the article published ? A I never did -- Oh, how do you mean ?

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- Q Did you ever publish an interview with a gentleman, in which publication you stated that the gentleman did not make the statement for publication ? A Yes sir.
- Q Was it the fact he gave you the interview, not for publication ? A Yes sir.
- Q And notwithstanding that you published it ?
A I did not publish it.
- Q I am not asking you about interviews which you did publish ? A No sir.
- Q Do you misapprehend me ? A In such cases we never publish them.
- Q Did you ever publish an interview with a gentleman, where the publication stated that the person interviewed had given you the statement, not for publication ?
A In one instance I can say yes, but it was not a gentleman.
- Q That is, in your judgment ? A To my knowledge; I am positive of it.
- Q What was he ? A It wasn't a "he" at all; it was a woman.
- Q So that even with a lady, you would undertake to get a statement from her, not for publication, and then go and publish it ? A I do not know. I would not undertake to get it.
- Q Tell me who does if you do not ? A It was given to me spontaneously.

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- Q Not for publication ? A That was a proviso made afterwards.
- Q Do you tell them so ? A They ought to know it. I tell them so in a great many cases, when they are ignorant.
- Q Do you assume because you are a newspaper man, whatever anybody says to you, you may publish ? A Yes sir.
- Q Did you so assume in this case ? A Yes sir.
- Q Is that the reason why you published it ? A Yes sir.
- Q Is that the sole reason ? A Yes.
- Q Then that is the sole reason why you published it ?
A Yes sir.
- Q Did you ask Mr. Horatio P. Allen to send his son to you ?
A After he told me---
- Q Did you ask him ? A I did.
- Q At what stage of the conversation did you ask him to send his son to you ? A At the close.
- Q I thought you said he volunteered to send his son to you ?
A Yes sir.
- Q Why did you ask him again ? A To remind him. I says, you will send him, and he says, I will have him come -- I will have him see you to-night. I always try to impress upon a man's mind what he promises, before I leave. I make that a rule.
- Q Where did you ask Mr. Allen to send his son to you ?
A I think I told him both places. I told him I would be at the jail until a certain hour, and after that I would be

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at the office.

Q Didn't you ask Mr. Allen to send his son to you at Ludlow Street jail ? A I told him up to a certain hour. I told him he might call on his way up town.

Q Did you leave your card with Mr. Allen ?

A I think I did if I recollect a right.

Q Write on it where you would be ? A Yes sir.

Q Do you remember whether or not you stated to Mr. Allen how long you would be at the jail ? A I think I told him until five or six o'clock in the afternoon, or later; I forget whether it was five or six, or six or seven. I know I left there earlier than I expected, and Mr. Allen called subsequently.

Q Is it a fact that the most of the newspaper offices hold their reporters responsible for the early obtaining of information ? A They do to a certain extent.

Q Is it not a fact, that if you had been sent to get information upon this letter, and failed to get it, you would have been criticised in your office for not doing it ?

A Possibly I should, but not in this case, as I had another assignment besides that.

Q If you had been sent for this and had failed, you would have been criticised ? A Very likely I should have been questioned - that is all.

Q Wouldn't you have been censured ? A No sir:

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Q Did you tell Mr. Allen -- Horatio P. Allen -- in substance this:-- that your employers would find fault with you if you did not get the substance for that article ?

A No sir, I did not use that expression to any one.

Q Didn't you say in substance this, to Horatio P. Allen -- at his office in New York on the 27th of May -- that you wanted to see his son in regard to this matter, and that we reporters will be criticised or censured if the other newspapers get any statement about this affair, and we don't -- or words to that effect ?

Mr. Sullivan: I object as immaterial and incompetent, without arguing the objection. What does it matter how solicitous the reporter was ? The position on the part of the District Attorney is that if forty reporters solicit information, it is no excuse whatever for a man to furnish and publish a malicious libel. The question is, whether he asked for the information, or did not.

The Justice: I do not think it makes any difference at all
Objection sustained. Exception.

Q Did you say anything to Mr. Horatio P. Allen about the letter which had been published in the "Mail" ?

A Not to my recollection.

Q Do you swear you do not ? A Not to my recollection.

Q Do you swear positively you did not ?

A I swear positively I do not recollect.

Q Is that the best answer your memory will enable you to

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give ? A Yes sir.

Q Did you see the "Mail" before you wrote the manuscript from which this "World" article was published ?

A Yes sir.

Q Where did you see it ? A In the office.

By Mr. Sullivan: Office of the "World" ?

A Editorial office.

By Mr. Hill:

Q What time did you write that article -- the manuscript of it ? A Between 10 and 11 o'clock at night.

Q Is that as near as you can state it ? A Yes sir.

Q What time did you leave the jail to go to the "World" office ? A Nearly six o'clock.

Q What time did you get to the "World" office ?

A About 7 or thereabouts.

Q Did you write the article after supper or before ?

A After supper.

Q What time did you get your supper ?

A Before I got to the office.

Q You got to the office about seven ? A Yes sir.

Q What other articles did you write that day for publication?

A A little article in regard to Ward.

Q Ward -- of Grant & Ward ? A Yes.

Q Were you entirely occupied between seven and eleven ?

A I think so.

Q In literary work ? A Yes sir.

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Q Was the Ward article longer or shorter than this one ?

A I should think shorter.

Q Did you copy the letter from the "Mail" ? A No sir.

Q I wish you would take the letter from the "Mail" and compare it with the letter in your article, and tell me what the differences are ?

Mr. Sullivan: Have you the letter from the "Mail" ?

Mr. Hill: I have.

The Justice: I shall have to adjourn the case now, as I have to attend an important meeting of the Board of Police Justices this evening.

Adjourned to July 16th, 11 A. M.

Signed on page 120

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5th District Police Court of the
City of New York.

-----x
The People ex rel Jane Walsh
 against
Augustus H. Allen:
-----x

Hearing before Daniel O'Reilly,
Justice.

Essex Market Police Court.

New York, July ²³⁻¹⁸⁸⁴ 24th, 1884.

Mr. HASTINGS, recalled and Cross-examined by Mr. Hill:

Q At the last examination I asked you a few questions with respect to your habits as a newspaper reporter. We have spoken about the matter as published in the evening "Mail" and I asked you to take the "Mail" and tell me what differences there were between the letter as published in the "Mail" and the letter as published by you in the "World", please point out those differences now ?

Mr. Sullivan: Have you the "Mail" ?

Mr. Hill: I think I have a copy of it.

Mr. Hill (to the Witness) I show you a copy of the "Mail" of May 27th, 1884. Before answering that did you intentionally omit from the letter, as published by you, any circumstances ?

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A I think I did.

Q You think you did ?

A I substituted some other words.

Q What was it ?

A Something with reference to the fence.

Q So that was a deliberate act of omission on your part ?

A Yes, sir.

Q Now, to return to my former question: Take the copy of the "Mail" and tell me what differences there were between that letter as published there and the one as published by you in the "World" (Counsel points to a letter on the first page in the sixth column headed "A Curious Epistle" just for the purpose of describing what it is ?

Mr. Sullivan: I object to the question asking the witness to point out the differences. The letter will show for it - self precisely what differences, if any, there are.

Mr. Hill: I would like to have the differences before his Honor.

Mr. Sullivan: I don't object to the letter being incorporated in the testimony if Mr. Hill wants to put it in but I do object to the witness undertaking to describe what is the difference.

The Justice: I see no objection to having it incorporated in the testimony.

Mr. Hill: But I asked him to point out and state in detail

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what the differences are.

Mr. Sullivan: I don't think that is proper. It is a printed paper and the way to advise the mind of the Court whether there is or is not any difference is to put the two articles together.

The Justice sustained the objection and Mr. Hill took an exception.

The Witness: I have not compared them personally to see how near they are.

Q But you did notice that the "Mail" article omits the same matter that you omitted?

A Yes, sir.

Q You have told me you saw the "Mail" article before you wrote the article in the "World"?

A Yes, sir.

Q Did you read that letter through then?

A I did not.

Q You did not?

A No, sir.

Q What did you see by the "Mail" article?

A I saw the general phraseology and the general wording of what purported to be an interview with Mr. Allen.

Q What did it state?

A In substance about what I wrote. I can't tell exactly because I read ~~it~~ so much in the course of the month that

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I can't remember all.

Q Can't you remember what that article stated ?

A No, sir.

Q Can't you remember anything now ?

A It stated about what I wrote in substance.

Q Do you remember to have observed the fact that the "miscreant was unknown" is stated in the "Mail" article ?

A Not particularly-- no, I don't think I did.

Q Did you notice the statement in the "Mail" article that \$100. had been offered as a reward ?

A I don't remember that.

Q Did you notice this statement in the "Mail" article that the box of candied fruit had been impregnated with Paris green ?

A I don't remember that.

Q Did you notice the address of the Allens ?

A I don't remember that.

Q Or their office ?

A No, sir.

Q Do you remember a statement in the "Mail" article that detectives were at work in the case ?

A I do not remember.

Q Or that Jane Walsh was housekeeper for Mr. Whiting ?

A I do not remember.

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Q So that you put yourself squarely on the ground that you don't remember what you did see in the article ?

A Yes, sir.

Q Have you a pretty good memory ?

A I am considered so.

Q How much of the "Mail" article did you read before you wrote the "World" article ?

A I think I glanced it all through. I didn't read it literally. I glanced it through.

Q Where did you see it ?

A In the "Mail".

Q I mean where were you when you saw it ?

A In the office of the "World".

Q Anybody with you ?

A There were a number of others in the room.

Q I mean anybody in your immediate company ?

A No, sir.

Q You read it as you would read any other matter of news which required investigation, which you desired to utilize as a reporter ?

A Not that way. No doubt I would then read it carefully and note the different points but as I had my information on that I did not do so.

Q What time of day did you read it ?

A In the evening.

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Q And this was published in the morning "Mail" ?

A No, sir; in the evening "Mail".

Q When were you assigned to go to work for this case ?

A I think it was between twelve and one o'clock.

Q In the day time ?

A Yes, sir, about one I should think.

Q Having been expressly assigned to make the inquiry you did not see fit to inform yourself of what had already been published ?

A I didn't know what was published. It had been published when I was assigned to it.

Q You saw the advertisement in the morning paper ?

A No, sir; I did not.

Q Did you know there was one there ?

A Yes, sir.

Q You didn't think it worth your while to look into the evening papers to see what was there so you should not be publishing stale matter, did you ?

A No, sir.

Q Having been assigned to work up this case you did not feel any interest to see whether anything had already been published about it that day ?

A I knew there had not been when I was assigned.

Q Did you or did you not ?

A Not necessarily; not particularly, no.

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Q When you started to work up ~~the~~ a case of that nature didn't you feel some interest to find out all you could about it ?

A Yes, sir.

Q Do you mean this was an exception to your ordinary course of procedure ?

A No, sir; it was not an exception.

Q Not at all ?

A No, sir.

Q You didn't look to see if anything had been published ?

A I previously said I scanned over the "Mail" article.

Q I am talking of before the time you went to Mr. Allen's office ?

A I knew there had been nothing published at that time.

Q How did you know ?

A Because our editor would have told me so. He gave me the advertisement.

Q Did you look into any papers to see ?

A No, sir.

Q Then why do you say you knew. Observe I use the word "knew" as you used it ?

A I so inferred from the manner in which we get our assignments from the editor.

Q Is that all ?

A Yes, sir.

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Q Before you saw Mr. Allen there was considerable published about it ?

A Nothing more than the advertisement, to my knowledge.

Q I am talking about the defendant, Allen ?

A Possibly.

Q Don't you know that there was this article published in the evening "Mail" that evening ?

A I suppose so.

Q What time is the "Mail " published ?

A There are two or three editions.

Q What time ?

A I don't know, I am not connected with the "Mail".

Q What time do you usually see it in circulation as a newspaper man ?

A Most any time after three o'clock.

Q Don't you know it is published about three o'clock ?

A I can't tell the time it is published.

Q What time do you usually see it published and in circulation ?

A I don't see it published, I see it in circulation.

Q Don't you know it is published before three o'clock ?

A I don't know.

Q Haven't you seen it in circulation before that hour ?

A I have not taken notice.

Q Haven't you seen it in circulation before four o'clock ?

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A Yes, sir.

Q Don't you know it is published regularly before four ?

A Yes, sir.

Q Don't you know it is published before half past three ?

A I don't know that it is.

Q Do you as a newspaper man, mean here to declare that you don't know what time the edition of the evening "Mail" comes out ?

A I know about the time-- yes, sir.

Q Did you understand me a little while ago as speaking of the exact ~~time~~ hour or minute ?

A The exact time.

Q What time did you see Horatio P. Allen ?

A This old gentleman ?

Q Yes.

A Between one and two, somewhere about there.

Q Between one and two o'clock ?

A Yes, sir.

Q Don't you know it was about a quarter past four and that you went from there directly to Ludlow Street Jail ?

A It was not so late as that.

Q Where did you go from Mr. Allen's office ?

A Ludlow Street Jail.

Q What time did you go to Ludlow Street Jail ?

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A I think I got there before four o'clock.

Q What time did you get back to the "World" office ?

A Between six and seven.

Q You said on your previous examination that you got there about seven o'clock and had your supper before you got there ?

A I didn't say I had my supper.

Q Are you sure ?

A I am pretty sure.

Q Are you sure ?

A Yes, sir.

Q Will you swear to it positively ?

A No, sir.

Q Do you recollect one way or the other ?

A I think I got it afterwards.

Q Do you recollect or not. I want to get something definite from you ?

A No, I do not.

Q You don't recollect ?

A No, sir.

Q Do you recollect that you said before that you got to the "World" office about seven o'clock in the evening ?

A About that time.

Q How long were you at Ludlow Street Jail ?

A I think I must have been there two, three or four hours.

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Q Did you take any note of the time ?

A No, sir.

Q Who did you see during that period of three or four hours?

A I saw the acting Warden and one or two keepers and one or two reporters there. Who they were I can't tell.

Q Can't you give their names ?

A No, sir.

Q Will you here undertake to swear that you were at Mr. Allen's office before four o'clock and saw Mr. Horatio P. Allen ?

A Yes, sir.

Q There is nothing in this case you are more certain of than that ?

A No, sir.

Q And you are willing to stake what you say about the rest of the case on your certainty of that ?

A In what particular ?

Q Any particular. If you are mistaken about that you are liable to be mistaken about anything else ?

A I suppose so.

Q You are not more certain of anything else in this case which you have stated as a fact, than you are of the fact that you were not at Mr. Allen's office earlier than four o'clock ?

Mr. Sullivan: He has stated he was there earlier than four o'clock.

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The Witness: Yes, sir, I was.

Q You are not more certain of anything in this case than that you were not at Mr. Allen's office later than four o'clock ?

A I may have been there after four o'clock but I think I was out of the office before four o'clock.

Q On the way to Ludlow Street Jail ?

A Yes, sir.

Q How long did you stay there at Mr. Allen's office ?

A Three-quarters of an hour, I should say.

Q Didn't you talk to Mr. Horatio P. Allen about an anonymous letter which was published in the evening "Mail" ?

A No, sir.

Q Will you swear ?

A Yes, sir.

Q You distinctly say you did not ?

A I didn't know it had been published.

Q Are you merely drawing an inference or are you speaking from recollection ?

A Recollection of the fact.

Q When did you first see the "Mail" that evening ?

A After Mr. Allen had gone from the office.

Q Augustus H. Allen ? A Yes, sir.

Q So that you didn't know even that the article was published in the "Mail" at the time when you saw Horatio P. Allen

and Augustus H. Allen ?

A I did not.

Mr. Sullivan: Is there any announcement as to what edition it is in the "Mail" ?

Mr. Hill: The five o'clock edition.

Q Can you, Mr. Hastings, at this distance of time, undertake to say that you remember ~~what~~ with any degree of accuracy what Mr. Augustus H. Allen said and did when he came to see you ?

A I could not possibly give his words.

Q Will you now undertake to say you can't give the substance of his language any more nearly than you can the substance of the interview which you had with ^{Mr.} another gentleman for publication in the "World" during the month of May ?

A No.

Q The only guide which you have to the matter is a memorandum which you made at the time of publication together with your memory ?

A Yes, sir.

Q No other data than that ?

A No, sir.

Q From whom did you first hear that this article was regarded as libellous ?

(Witness Appealing to the Court) Shall I answer the question?

Mr. Hill: Do you decline to answer the question ?

The Justice: Under those circumstances he can refuse to answer the question if it will tend to criminate himself.

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I don't think it is material.

Mr. Hill: In that case I shall move to strike out all his testimony because having undertaken to testify to part he can't stop half way.

Mr. Sullivan: My objection is that it does not tend at all to throw any light upon the trial-- the issue that is now before your Honor. We allege that this defendant published malicious and false libel-- published it by telling it to this gentleman-- by directing him to publish it still wider in the newspaper and it was published through this gentleman as his agent. Now what difference does it make as to when he first heard it was a libellous article or not ?

The Justice: The witness has not refused to answer the question.

Mr. Hill: He has refused thus far to answer.

The Justice: He only asked the question whether he had a right to answer.

Mr. Hill: Well, I will put the question again now, from whom did you first hear that ~~this~~ this article was regarded as libellous ?

Mr. Sullivan: And I will make the objection that it does not tend to shed any light in this case-- the telling him that it was a libellous article.

Objection sustained. Exception by Mr. Hill.

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Q Were you in fact informed that it was a libellous article before you went ~~before~~ upon the stand to testify or were requested to make a deposition to be used against Augustus H. Allen ?

A I must decline to answer.

Q For what reasons do you decline to answer ?

A For the same reason that I decline to state who told me that it was a libellous article.

Q Do you decline to state who first gave you the information ?

Mr. Sullivan: I raise the objection again-- he has asked the Court for instructions as to whether it was a question he ought to answer.

Q Was it the same day when the deposition was made or earlier than that ? A Earlier.

Q How long before ? A Possibly a week or two.

Q Possibly it might have been a month or two ?

A It could not have been a month or two.

Q Can't you answer more definitely ?

A About a week.

Q About a week ? A Yes, sir.

Q Do you remember the time when your attention was called to it ? A The time of day ?

Q No, sir, the time-- the date ?

A I think about a week after the publication of the article.

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Q And about a week before the deposition was made ?

A Yes, sir.

Mr. Sullivan: The deposition was made on June 13th.

By Mr. Hill:

Q About midway between the two ? A Yes, sir.

Q Was your attention called to the fact that it was a libellous article more than once ? A No, sir.

Q Only once ? A Yes, sir.

Q Did you think it was a libellous article when you wrote it?

A I did not.

Q You regarded it as making public a statement which would tend to bring Miss Walsh into ridicule and contempt, didn't you ?

A I didn't regard it as such--- no, sir.

Q You thought it would be an honorable thing to have people know she had received such a letter ?

A No, sir, I didn't think so.

Q Did you think it entirely agreeable to her to have such a letter published ?

A I didn't give it a thought that way.

Q You didn't care whether it was agreeable or not, did you ?

A It was not our object to--

Q Just answer my question. Whether or not you cared whether it was agreeable to her or not ?

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Mr. Sullivan: I object as being immaterial.

Mr. Hill: It bears upon his motive in publishing the article.

The Justice: I suppose he was sent out to interview Mr. Allen and get an article from him and leave it to his employers.

Objection sustained. Exception.

Q Who called your attention to the fact that it was a libelous article ?

A I decline to state.

Q Do you decline to state ? A Yes, sir.

Mr. Hill: I move to strike out all the witness's testimony absolutely.

Motion denied. Exception.

Mr. Hill: I ask to have the witness instructed to answer the question.

The Justice: State your reasons why you don't answer the question.

A It is the same as to why I didn't answer the same question a short time ago.

The Justice: It is not the same question. State why you avail yourself of the privilege of declining to answer.

The Witness: Because it would tend to criminate the party who gave me the information.

The Justice: You will have to answer the question if it does not tend to criminate yourself.

The Witness: It was Mr. Whiting .

By Mr. Hill:

Q Why did you decline to state who told you it was a libellous article. Were you anxious to protect Mr. Whiting ?

A No, sir; it was a matter of honor.

Q What obligation of honor was there to withhold the name-- simply on account of the gentleman who told you it was a libellous article. How is the question of honor involved in that ?

A I didn't wish to bring his name into the controversy.

Q But you notwithstanding wished to bring the name of Mr. Augustus H. Allen into the controversy I observe, and did do it ?

A Yes, sir.

Q And you went along voluntarily and made a deposition against him for use tending to criminate him and participated in the effort to have him arrested ?

A I suppose that is what I did.

Q Don't you know you did ?

A That is the result of my deposition.

Q And you knew it would be the result when you made it ?

A Certainly.

Q Will you explain how it happened that you took that attitude towards Mr. Allen and have here taken the attitude of refusing to disclose even Mr. Whiting's name as a matter of honor ?

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A I took the attitude of making an affidavit against Mr. Allen by request of counsel.

Q Oh, by request of counsel.?

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A Yes, sir. I declined to state Mr. Whiting's name at my own suggestion.

Q At the request of what counsel did you make the deposition?

A Mr. Hayden.

Q Mr. Whiting's counsel ?

A I so understood him to be.

Q Were you subpoenaed to make a statement ? A I was.

Q Where ? A Where was the subpoena served on me ?

Q Yes. A At the office of the "World".

Q Who issued it ? A I think Justice Reilly.

Q Did you save a copy of it ? A No, sir.

Mr. Hill: Mr. Clerk I would like the record produced to see if the subpoena was issued.

The Justice: There is no record kept of such things.

Q Who served it on you ? A An officer.

Q Do you recollect his name ? A No, sir.

Q Where was it served on you ?

A The "World" office.

Q Who was present ? A Several sitting around.

Q Any in your immediate company ? A Mr. Hayden.

Q Did Mr. Hayden come with the officer when it was served on you ?

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A I beg your pardon-- it strikes me that the subpoena I got was for the trial-- the previous day.

Q Then you say you were not subpoenaed to make a deposition at all ?

A No, sir; there was a verbal request.

Q You went before Mr. Justice Reilly to make that deposition didn't you ? A I did.

Q Who went with you ? A No one went with me, I met the parties in Court.

Q Who did you meet there ?

A Mr. Whiting, Mr. Hayden, and I think Miss Walsh was there and some other parties who I didn't know who they were.

Q Connected with this case ?

A Not that I am aware of.

Q What time of day did you go there ?

A About nine-- between nine and ten-- half past ten.

Q Did you go there from your house or from the "World" office ? A From the house.

Q When you were requested to go there to make the deposition -- with reference to the time when you did make it ?

A I think the day before.

Q Who made the request ? A Mr. Hayden.

Q Anybody with him when he made it ? A No, sir.

Q That request was made at the "World" office ? A Yes, sir.

Q Did you ever visit Mr. Hayden's office in connection with

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this matter ?

A I don't think I saw Mr. Hayden that day. I think it was made to the city editor during my absence and he said to be at the Court at nine o'clock.

Q Did you ever visit Mr. Hayden's office in connection with this matter ? A Never.

Q Have you ever had any communication with him or with any other counsel connected with the case except at the "World" office and in Court ? A No, sir.

Q Are you sure ? A Yes, sir.

Q How many different interviews had you with Mr. Hayden before you went before his Honor to make the deposition ?

A I think but one.

Q And did you tell him then the circumstances under which the "World" article was written and what had occurred between you and Mr. Allen ?

A I think he asked me some questions which I answered. I told Mr. Whiting and I think he talked with his counsel.

Q Did Mr. Hayden inquire into the same thing ?

A Yes, sir; the same in substance.

Q Did Mr. Hayden say that this was a libellous article ?

A I cannot say he did.

Q Don't you remember whether he did or not ? A No, sir.

Q At what state of the conversation between you and Mr. Whiting did he say it was a libellous article ?

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A At the very beginning.

Q Did you know Mr. Whiting at that time ? A No, sir.

Q Did you know why he came to call on you or to see you ?

A I supposed it was through the publication of the article.
He called at the office on one occasion some days afterwards and I was not in and he called again, I think the next day evening.

Q And made his application at the head quarters of the office to know who had written the article and was referred to you ? A Certainly.

Q And the first thing he said was that you had written a libellous article ? A No, sir.

Q What did he say ? A He asked me where I got my information.

Q I think you said a moment ago that the first thing he told you was that you had written a libellous article ?

A I didn't say so.

Mr. Hill: I am very sure you did. The stenographer will turn to your last answers and find out.

(The stenographer turned to the last question on that subject and read as follows: "Q. At what stage of the conversation between you and Mr. Whiting did he say it was a libellous article? A At the very beginning.")

Q Well, is that true or not ?

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A It was at the beginning ?

Q At the very beginning ? A No, sir.

Q Do you wish to qualify your first statement on that subject

A I qualify it in that way- yes, sir.

Q How long was the interview between you and Mr. Whiting ?

A Possibly not more than ten or fifteen minutes.

Q Won't you tell us what you mean by the fact that he stated that the article was libellous, at the beginning of the conversation, if not at the very beginning ?

A The first question asked was as to who gave me the information from which I wrote the article and I told him. Then, I think he told me that-- that it was a libellous article and that he meant to prosecute the party who had given the information.

Q Did it occur to you at the time that the article was in fact libellous, that in as much as you had written it you would be responsible for the libel ?

A It did not occur to me.

Q Do you believe that to be true now ? A Yes, sir.

Q So that you here now understand perfectly well as you are giving your testimony that, if this article is libellous you are just as much liable to be punished for it as Mr. Allen ? A I do not.

Q Do you mean you did not understand that you were liable to be punished for it at all ?

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A I didn't so understand it.

Q Understand what ? A That I was liable.

Q You mean to say then that you can write anything you please, a libellous article or anything like it for publication in a newspaper and be in no manner responsible ?

A Not if I give its source.

Q Gave its source to whom and when ?

A Its source to the writer of the article.

Q Then you think your liability depends upon what you did afterwards and not what you did at the time you published it ?

Mr. Sullivan: I must object to all this as being immaterial to this inquiry as to what answer the witness might make to that question.

Objection sustained. Exception by Mr. Hill.

Q Did you at any time decline to make this affidavit ?

A No, sir.

Q Did Mr. Whiting request you to make the affidavit ?

A No, sir.

Q Ever ? A Never to my recollection.

Q Was Mr. Hayden the first gentleman who requested you to make the affidavit ? A He was.

Q Didn't you understand at that time when that request was made for you to make an affidavit and prior to the time when you did make the affidavit that you would yourself be

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liable to prosecution for libel unless you did make it ?

A No, sir; I didn't so understand him.

Q And you don't understand it now ? A No, sir.

Q Do you believe this article to be libellous now ?

A I am not well enough informed to know.

Q What do you believe about it ?

A I don't believe it to be libellous.

Q You don't think so now ? A No, sir.

Q You understand this charge to be libellous, didn't you ?

A Yes, sir.

Q You understood there would be danger of its being held to be libellous at that time ? A Yes, sir.

Q And you understood there would be danger of its being decided to be libellous ?

A No "danger" connected with it, no, sir.

Q That it was liable to be decided as being a libellous article ? A Either one way or the other.

Q Didn't you understand, if it was held to be libellous that you would be held for libel as the writer of the article ? A I didn't so understand it.

Q Do you know what it means, sir, to be what is called States evidence ?

A I have some idea of what it means.

Q Do you understand that where a witness who has been the accomplice in the perpetration of a crime and who has re-

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sorted to assist the prosecution that there is a moral obligation to protect him? A I understand that.

Q You do? A Yes, sir.

Q So if it should turn out to be the fact notwithstanding your opinion about it-- that you would be liable for the publication of this article-- you think there would be a moral obligation to protect you?

A I haven't given a thought about it.

Q Don't you think that now? A No, sir.

Q How much time have you spent, Mr. Hastings, in running about hither and yonder since you saw Mr. Whiting in connection with this case?

A All together?

A Yes, sir-- from your business and otherwise going to the Court, &c.?

A This is the third day. The first day about four hours; the second day the whole afternoon and to-day.

Q The first day how much time did you spend when you went to Court?

A From nine until about one o'clock.

Q It has been a great deal of annoyance to you?

A No, sir; except it wasted my time.

Q And you rather like it on the whole?

A I don't crave anything of the kind.

Q Did you want to do it or didn't you?

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A No, sir; I didn't.

Q Then it is a trouble to you ? A Yes, sir.

Q And takes you away from your business ? A Yes, sir.

Q And is an annoyance to you ? A In that way, yes, sir.

Q In that sense ? A Yes, sir.

Q Do you expect to get any compensation for this annoyance

A No, sir.

Q Doing it all from a sense of justice ?

A Yes, sir, only that.

Q Why didn't you from a sense of justice then, undertake to tell us who it was that gave you the first information about its being a libel, didn't you want to be fair ?

A I didn't think it was material to this case.

Q You didn't think it material ? A No, sir.

Q Is that the reason you refused ? A Yes, sir.

Q Are you sure ? A Well, as a matter of honor.

Q I want you to tell me why you happened to think it was a matter of honor to protect Mr. Whiting and keep his name a secret in this matter ?

A It was not protection .

Q What was it ? A I didn't choose to give his name.

Q Why ? A I didn't think it was material.

Q Is that the only reason ?

A And as a matter of honor.

Q Tell me why you think it was a matter of honor to keep

Mr. Whiting's name a secret ?

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The Justice: That is repeating the same question. He has answered it before.

The Witness: No other reason.

Q Can't you give us reasons why it appeared to you to be a matter of honor to do it ?

A That was the only reason I know of. I thought he was more of the injured party and he wanted me to make an affidavit or rather wanted me to be a witness in this case and I didn't choose to give his name as being my informant.

Q Is there any other reason ? A No, sir.

Q You still say you think it was a matter of honor ?

A Yes, sir.

Q You are still employed on the "World" ? A Yes, sir.

Q Did you write the article of June 14, 1984, which purports to be a report of what occurred on this examination before his Honor ?

Mr. Sullivan: I object to that as being immaterial. I don't know anything about the article.

The Justice: It has got nothing to do with the case before me.

Objection sustained. Exception.

Mr. Hill: I present a copy of the New York World dated Saturday June 14th, and call his attention to the eighth page and third column to an article entitled "A Fight in

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the Family".

The Justice: We are examining into the case published on the 28th.

Mr. Hill: We are examining into this man's motives.

Objection sustained. Exception.

Mr. Hill: I would like to have this paper marked for identification.

Marked Ex. 1 for identification.

Mr. Hill: If I can't investigate this gentleman's motives in testifying here I might as well stop.

Mr. Sullivan: As far as the People are concerned they do not object to any examination of motives that is relative ~~xx~~ ~~xxxx~~ and material.

RE-DIRECT EXAMINATION by Mr. Sullivan:

Q You have stated on the evening of May 27th this defendant called to see you at the office of the New York "World" and you had an interview with him? A Yes, sir.

Q You have said he produced and gave to you a letter which was printed-- an anonymous letter? A Yes, sir.

Q I wish you would state now just what occurred and what he said when he produced that letter?

Mr. Hill: I object. I have not asked a single question on that subject. I have purposely avoided it.

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Objection overruled. Exception.

Mr. Hill: Then if it is to be received I have a right to
Cross-Examine him about it. This is new matter.

Mr. Sullivan: Very well.

By Mr. Sullivan:

Q. He presented to you a letter ? A Yes, sir.

Q. In what form ?

A. In the course of his conversation he mentioned a letter
as having been published in the "Mail and Express" and he
says I have a copy of it, and took it out of his pocket.
I read it over and asked him if he had any objections to
my copying it and he said no, and I copied it in his
presence. He said he wanted the original back and I gave
it to him.

Q. He said he wanted the original from you, which you were
making a copy of ? A Yes, sir.

Q. Did you give it before you had finished copying it ?

A No, sir.

Q. In what form was that original. Was it taken from the
"Mail and Express" or was it another paper ?

A A sheet of paper apparently from one of these hand or
home presses with the letters very irregularly made and
apparently set up by an inexperienced compositor.

Q. Look at the paper which I now show you which has been
marked here as exhibit 1, for the People, and tell whether

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or not you identify that as being a duplicate of the paper which the defendant showed to you on that occasion ?

A Yes, sir, it appears to be a duplicate.

Q You say having received that you asked him whether he had any objections to your making a copy of it for publication and he said, no, and you did copy it in his presence and handed the original to him ? A Yes, sir.

Q Did any conversation take place between you and him with reference to any phrase or expression in that letter ?

A Yes, sir.

Q What ? A One phrase, I thought it was indecent for publication and I substituted a few words for it.

Q What are those words ?

A *Knowing of your intimate relationship with J. Walsh, I know of your intimate relationship with J. Walsh.*

Q You struck those out of your copy ?

A Yes, sir. The words were "I know of your intimate relationship with J. Walsh" and I substituted in the place "I know of your intimate relationship with J. Walsh."

Q What time in the evening was this visit by the plaintiff to you at your office ?

A Between seven and eight o'clock.

Q How long did he stay ?

A About half an hour.

Q Did he say anything to you as to who J. Walsh was ?

A He told me she was housekeeper for Mr. Whiting.

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Q Did he say anything about her ?

A He said she was not a very ~~prepossessing~~ prepossessing person-- that he had made her the head of the house after the death of his sister and it was objectionable to the other servants and objectionable to the family.

Q What family ? A The Allen family.

Q Is that all, in substance ?

A I think he called on Mr. Whiting at his residence in relation to certain reports that had been made relative to himself and this Miss Walsh, but that he was put out of the house or excluded from the house and he had not seen him since.

Q Had not seen Mr. Whiting since ? A Yes, sir.

Q Was the subject spoken of at all as ~~he~~ to his desire or not having any desire to exclude Miss Walsh from her employment ? A No, sir.

Q Will you look at the article in the New York "World" of May 28th, a copy of which is in the affidavits and complaint here against the defendant, and state whether that is the article which you wrote and which was published the next day in the "World" ? A It is.

Q Who is the Mr. Allen that is mentioned and referred to named in that article. If it was more than one Allen state who the parties are ?

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A Both Mr. Allens.

Q Have you identified either of them as the defendant in this action ? A Yes, sir, Mr. Augustus H. Allen.

Q Was it Mr. Augustus H. Allen who called at the office and exhibited that printed letter ? A Yes, sir.

Q Did he carry the letter ~~was~~ away with him ?

A Yes, sir-- to my knowledge. he did.

Q How much time did it take to copy it in his presence after he gave it to you ?

A Probably not more than a minute or two.

Q Did you know of the existence of that letter ~~xxxx~~ before he exhibited it to you ?

A I knew ^{of} the existence of a letter similar to that I suppose. My attention was called to it by his father in the afternoon.

Q Is that paper which you now hold, a copy of the newspaper called the "World" and published in the City of New York on the 28th of May, 1884 ? A Yes, sir.

Mr. Sullivan: I offer it in evidence.

Marked Exhibit 3 for the People.

Q At that time there was such a daily newspaper in the City of New York as the "World" ? A Yes, sir.

Q Where was its publishing office ?

A 32 Park Row in the City of New York.

Q It was a paper of large circulation ? A Yes, sir.

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Q At that time ? A Yes, sir.

Q Did you see the envelope from which the defendant took the printed letter which has been referred to by you and which he produced to you ? A Yes, sir.

Q Will you look at this which I now show you and say if this corresponds to it ?

A I don't think there is this name on it.

Q How was the address printed ?

A I can't tell whether by a hand press or a type-writer.

Q Do you remember where it appeared to have been posted, you state in this article where. Can you refresh your memory ?

A Down town somewhere. Station F, Third Avenue.

Q What was the address of that letter- addressed to Augustus H. Allen ?

A To one of the Allens, but I forget which now.

Q Will you look at that portion of the article published in the "World", which is made an exhibit immediately following so much of the letter as you printed. Look it over and then state from whom you heard those statements ?

Mr. Hill: I object to the question.

Mr. Sullivan: Well, it may be objectionable in form; I will ask this one.

Q Will you state, as nearly as you can, what Mr. Allen, the defendant, said to you in reference to Mr. Whiting and his

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relationship to him ?

A He told me he was his brother-in-law.

Q Do you recollect whether he said anything about the number of years they had been married ?

A That he had been married to his sister eighteen years she and had been dead for two years or less, and he was a man of considerable wealth.

Q Left any children ?

A Yes, sir; two or three children and a number of servants among whom was Jane Walsh.

Q This woman mentioned in the letter ?

A Yes, sir. At the time of his sister's death she was made housekeeper or the head of the house and had the run of the house which was distasteful to the other servants and they had to get out of the house.

Q What did he say about her ?

A He said she was not prepossessing and there was nothing about her that he could see for any man to fall in love with or ~~for~~ have anything to do with. With reference to the candy he said he thought it might be traced to her or through her as the sender of the poisoned candy, and he was present when the candy was received and his sister was about to put it into her mouth when he pushed it from her and took it to the family physician and had it examined

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and analyzed and found great quantities of Paris green in it--- sufficient to poison several people and that he then, that night, I believe, intended to call in Inspector Byrnes and put the matter in his hands. He hadn't done so up to that time, and I asked him why. He said he thought he would find it out and that the only reason he choose to put it in the paper at all or have anything published regarding family affairs was in the hopes not of catching the miscreant but in the hopes of preventing anything further of the kind.

Q. Recur to that part of your statement where you say he called upon Mr. Whiting and had some interview or remonstrance with him and state whether the defendant said anything as to what was the action of Mr. Whiting ?

A. He reiterated his statement that his son had called upon Mr. Whiting and was put out of the house.

Q. I want you to state what this defendant said ?

A. That he had called on his brother-in-law and was put out of the house in remonstrating with him.

Q. Can you recollect any more fully what the defendant said in regard to the ^{discontinuation} permanence of Mr. Whiting's friendliness or relationship towards the Allen family ?

A. Their relations seemed to have ceased then: They hadn't seen any of them nor had they seen any of his children.

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- Q Was that what the defendant said in substance ? A Yes, sir.
- Q At the time of his calling to see Mr. Whiting on the sub -
ject you have stated ? A Yes, sir.
- Q When you say Mr. Allen stated he had called on Mr. Whiting
to remonstrate did he say more fully what remonstrance
he wanted to make and what he did say to Mr. Whiting ?
- A No, sir.
- Q Can't you give the substance of anything he said on that
subject ?
- A He didn't say anything that he said.
- Q I have not a distinct recollection as to whether you
stated anything on this point. You say when you were
making a copy of the letter which Mr. Allen gave you you
concluded that certain expressions were not to be publish-
ed on account of ~~it~~ of ~~an~~ offence of decency. If you
stated anything to Allen on that subject state what you
said to him and what he said to you-- or was that your
own action ?
- A My own action. I told him I was going to change that
phrase and he said nothing about it.

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RE-CROSS EXAMINATION by Mr. Hill:

Q I want you now that your recollection has been refreshed about this matter to begin with that interview at the World Office and state just as much of it as you can remember in your own way and without a suggestion from me and omit nothing ? A. Mr. Allen came there and told me what he came for; I knew what he came for; I told him to take a seat; he told me he came with reference to that box of candy which had been sent to his family; I told him I had been to see his father that afternoon; he said the Mail and Express had published a long story that afternoon about it but in some particulars it was incorrect and stated those instances and ---

Q Don't tell what he said but what you said. A. I asked him if he knew who sent the candy and he said he did not know but they proposed to find out if possible and in answer to a few questions he said ---

Q I want the questions which you put to him. A. I cannot give them.

Q Give me the substance; don't omit your part in the participation of the interview. A. Oh, yes, well, he said the candy was received there at the house during his mother's absence who was then in the country; he told me where, but I forget -- Poughkeepsie I think it was --

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addressed to her in her absence; his sister opened the box and was about to take some into her mouth when he discovered a green substance upon it and pushed it from her hand and took it to the family physician for examination and he pronounced it was poisonous and it was then taken to the professor of a college and analyzed and sufficient Paris Green found on it to poison -- to kill several people. He said Mr. Whiting had been married to his sister some eighteen years and I asked him how long she had been dead and he said she had been dead eighteen months or two years; that there had always been friendly relations between the Whiting family and the Allen family until after the death of his sister when he promoted his housekeeper Jane Walsh (she was then one of the servants) -- that he promoted her to be the housekeeper or the head of the house and she was not such a person as the other servants cared for and was objectionable to them; the result was that part of them had to leave -- he employed quite a number of servants. The children who usually were looked upon as their own by the Allen family, some-^{were} time after the death of the mother kept from coming to their house and the relations between the two families became broken -- became estranged. Rumors began to circulate about Mr. Whiting and Jane Walsh and he called

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upon his brother-in-law to remonstrate with him; he gave me that answer in reply to a question as to whether that was so; I asked him the question on the strength of the assertion made by his father who said he had called on his brother-in-law and was put out of the house; he said that is so, he put me out of the house and forbade me to come again. He said the woman was not at all good looking -- she is not prepossessing and I do not see what he can see in her to have any affection for her -- I think he said affection. He said we have seen neither of the Whitings -- Mr. Whiting or his family and that of late we have been annoyed by the receipt of anonymous letters, before the receipt of this box of poison candy. I then asked him if he thought Mr. Whiting had anything to do with it, and he said no; he said we proposed to find out who it is; I said have you give it to the detectives and he said no -- I think I will give it to detective Byrnes. In conclusion he said we do not propose to make public or publish this thing with the hopes of catching or arresting the criminal -- the guilty party -- but in the hopes of preventing any recurrence of a like nature. I think that was all except a few commonplace remarks.

Q Can you remember the commonplace remarks? A. No, sir.

Q Have you now in response to my questions stated all you

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remember ? A. All I remember definitively.

Q Did you ask him questions during this interview ?

A. I stated I asked him a question with reference to his calling upon his brother-in-law.

Q Did you ask him questions ? A Yes, sir.

Q Many ? A. No, sir.

Q Do you mean he came there voluntarily to make this statement himself ? A. Yes, sir, came with that intention.

Q You didn't put any more questions to him on that occasion than you put to his father in the afternoon preceding
A. No, sir.

Q So both of them retailed those statements off to you as you understood, for publication, without any questions from you ? A. Yes, sir.

Q Did you put as many questions to young Allen in the World Office as you did to Mr. Allen in the Law Office ?
A. I think I did; a few in each case.

Q Now did you report this matter in this article here and put in the quotation marks intending to be exact ?
A. No, sir, the substance.

Q What did you put quotation marks around the words for ?
A. As being his statement.

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- Q Didn't you mean to have it appear that that was a quotation -- a literal quotation ? A. His statement.
- Q Literally his statement written down at the time as a quotation ? A. A condensation -- not literal.
- Q What do you mean by quotation marks ? Don't you mean it to represent to the public by those quotation marks that that was the language of Augustus H. Allen ?
- A. The purport of the language.
- Q Didn't you mean to have it understood by the public that that was a literal quotation ? A. No, sir.
- Q What do you understand to be the force of quotation marks ?
- A. To embrace the statement made by a party -- not necessarily literal or verbatim.
- Q You think then you can condense the substance of a statement and use quotation marks and then squirt in what you please ? A. No, sir; I do not.
- Q Well, leave out what you please and still call it a quotation ? A. Yes, sir.
- Q You do with quotation marks then, very much as you do with interviews generally, don't you -- you put in what you please and leave out what you please ?

Objected to as immaterial; objection overruled.

A. Yes, sir.

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Q So that quotation marks don't mean anything to you with exactness ? A. Yes, sir; they do.

Q Do they mean anything with you as indicating exactness of speech ? A. No, sir.

Q Now you meant to have the public understand who read this article that this was from Augustus H. Allen -- that this was Augustus' H. Allen's language as far as you quoted it, didn't you ? A. Not his words, no, sir.

Q Don't you think people would be apt to so understand it if they read it ? A. Some might.

Q Don't you think people would generally ? A. No, sir.

Q Then you didn't mean in this article, quotation marks or not, to state anything more than the substance ? A. Yes, sir, that is all.

Q Why didn't you put all of what was said to be his language in quotation marks then ? A. There might be an omission on my part.

Q I am asking you why you used quotation marks in the one place and omitted to use them in the other, when the entire article meant the same thing, to wit, the substance of a conversation ? A. That is the reason.

Q Have you given the only reason and the best reason ?

A. Yes, sir -- meaning the substance of both gentlemen's conversation.

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*Mr. Allen declared he was not a liar to
fashion his suspicious upon any
person in his family*

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- Q Take the expression from this paper "Mrs. Allen's narrow escape", and what follows without quotation marks. Which Mr. Allen are you speaking of -- Mr. Augustus H. Allen or Mr. Horatio P. Allen ? A. Both gentlemen made the same expression.
- Q I am asking which one you meant by the sentence referred to ? A. Both; either one or the other.
- Q Take this one; "His mother as far as he was aware had incurred the ^{hostility} ~~hospitality~~ of no one". Were you speaking of both then ? A. No, sir.
- Q Take this one; "He said that the object of offering the reward was not so much for the capture of the villain &c." Who did you refer to then ? A. The younger Allen.
- Q But you didn't say so and you didn't use any quotation marks to show it ? A. No, sir.
- Q Take this one: "The World Reporter yesterday called on the advertisers". Now lay down the paper a moment; what did you mean by that ? A. I meant I called on the address given in the advertisement.
- Q And did you mean then and in that connection to state the substance of what occurred there ? A. Yes, sir.
- Q As well as you remember it ? A. Yes, sir.
- Q ^{While} ~~Why~~ it was fresh in your mind ? A. Yes, sir.
- Q You meant to tell the truth about it ? A. Yes, sir.

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- Q And what you did state was true ? A. Yes, sir.
- Q Was it true that you called upon the advertisers and met both Messrs. Allen, father and son there ? A. I did not meet them there.
- Q But you meant to say you did ? A. I called upon --
- Q Didn't you mean to say you did ? A. No, sir.
- Q Look at the article and see. What do you mean by "met father and son" ? A. I met the father in the office.
- Q Why didn't you say so ? A. It was not necessary.
- Q Didn't you think that anybody in reading that article would infer that you met father and son at the office ? A. Possibly they might.
- Q Were you any more exact in stating that than in stating any fact as to the circumstances under which you met these gentlemen ? A. I certainly stated the facts in substance; I was exact about that.
- Q Do you think you were exact in substance about that one ? A. Yes, sir.
- Q That is what you mean by exactness ? A. Yes, sir.
- Q Do you now here testify that Augustus H. Allen at the World Office told you that he gave you this article for publication ? A. Yes, sir.
- Q Using that language ? A. That was my language. He assented.

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Q You said for publication ? A. Yes, sir.

Q I observe another thing that in the review of this conversation both to Mr. Sullivan and myself you have referred to the fact only that Mr. Augustus H. Allen said his brother-in-law, Mr. Whiting was a man of considerable means or wealth. You have omitted to mention the amount; now where did you get the notion it was \$200,000. ?

A. From both Mr. Allens.

Q Why didn't you say so in telling the interview; why did you omit that ? A. No special reason why I omitted it.

Q Did you mean to omit it ? A. No, sir.

Q Did you mean to ? A. It was accidental.

Q It escaped your recollection ? A. Not the amount.

Q Why didn't you state it if it had not escaped your recollection ? A. Mr. Allen, Sr. -- ^(Question) I am asking you why you didn't state it here ? A. No reason.

Q You remembered it at the time ? A. Yes, sir.

Q Why didn't you state it ? A. No reason for not doing so.

Q Is there any other fact which occurred that you remember which you have treated in the same way ? A. I cannot say now; probably if you refresh my memory I might.

Q The difficulty is I don't know about it. A. I do not recall any.

Mr. Hill: That is all.

Sworn to before me this

23rd day of July 1884

James O'Reilly, Police Justice

Frank P. Hastings

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Mr. Sullivan: Has your Honor any question which you wish to ask the witness ?

The Justice: None whatever.

Mr. Sullivan: We rest.

Mr. Hill: I ask your Honor to discharge this prisoner before I go any further.

Motion denied with privilege to renew after the Justice has read the testimony.

Exception by Mr. Hill.

Adjourned to July 24th, at 3 P. M.

Further adjourned by a stipulation between Mr. Sullivan and Mr. Hill to July 30th, 10:30 A. M.

Fifth District Police Court

The People ex rel Jane Walsh,
against
Augustus H. Allen.

Before Dennis O'Reilly, Justice.

New York, July 30th, 1884.

Essex Market Police Court.

Present:

The Justice and Counsel.

JAMES R. WHITING, being duly sworn testified as follows:

EXAMINED by Mr. Hill.

Q What is your age ? A 49 years.

Q Your residence is where ? A Spuyten Duyvil, New York City.

Q Do you know Jane Walsh, the prosecutrix ? A Yes, sir.

Q Did you hear her testimony ? A I did!

Q Do you remember it now in detail ? A Not in detail.

Q Did you see the first anonymous letter which she spoke of?

A I did not.

Q When did you first hear from her that such a letter had been received by her ? A Sometime during the month

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of February, I think.

By Mr. Sullivan:

Q Of this year ? A Yes, sir.

By Mr. Hill:

Q Where was that interview at which that statement was made to you ? A 40 West 47th street.

Q At your house ? A Yes, sir, at the house I rented.

Q Where you were living ? A Yes, sir.

Q Had she at that time received a second note ? A I think she had.

Q Did you see that ? A No, sir.

Q Did she have it in her custody so far as you knew at the time of that interview-- the second interview in February?
A She had not.

Q Did she tell you the contents of the first note or describe it in any way to you ? A She gave me a general description of it: no detailed account.

Q What did she say about it ? A She told me it was a note which was a demand for money upon her: that was the substance of it: of what she told me at the time.

Q Was there anything which she said to you or which you could discover that the contents of the letter were in any respect indecent: I mean anything in the sense of being vulgar, other than a mere application for money ?

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A I inferred that from what she said.

Q You inferred it was vulgar in other respects ?

A Yes, sir.

Q What did she say which led you to make that inference ?

A She said it was a bad letter: that it seemed to come from some party who had been on intimate terms with the person demanding money.

Q Do you mean relations with a person in the sense of *sexual intercourse* or anything of that kind, or do you simply mean they had been intimate in other ways ? A I should put it intimate in other ways.

Q And there was no indication of the former style of intimacy ? A I could not, absolutely infer that: I inferred it was simply intimate relations between a man and woman: intimate acquaintance.

Q Had you received anonymous letters about the same time ?

A I had received anonymous letters prior to that interview.

Q Had you about the month of January ? A I did receive anonymous letters in the month of January .

Q How many ? A One or two during the month of January, possibly more.

Q How many did you during the month of February ? A I will have to refresh my memory.

Q I wish you would now ? *(Witness reflects a long time)*

Q ~~Can you not make some more rapid progress than that ?~~

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Mr. Sullivan: We have a memorandum here which we assume to be correct, which says one in January and four in February. We assume we have them all here.

The Witness: Four in the month of February

Q How many in March ?

Mr. Hayden: One.

Q How many in April ?

Mr. Hayden: This refers to anonymous letters, does it not?

Mr. Hill: Yes, sir.

Mr. Hayden: One anonymous letter in April.

Q How many in the month of May ?

Mr. Hayden: One.

Q Mr. Whiting, you have heard the statement made by Mr. Hayden in your presence with respect to the letters which you received. Does that correspond with your recollection ?

A It does.

Q Have you received any anonymous letters since that time-- since the one you received in May ?

(Witness confers with his counsel)

Mr. Hill: I would rather there should be no conference at all. Please answer my question. A I decline to answer.

Mr. Hill: I ask to have the witness instructed to answer the question. Please do not communicate on the witness stand with your counsel, Mr. Whiting.

The Justice: Answer the question, Mr. Whiting? ~~yes or no.~~

A Yes, sir.

Q. How many? A I think one.

A Any more than one? A Not to my recollection.

Q Do you think you could have forgotten the receipt of an anonymous letter since the one in May, if such a one had been received? A I think I should not.

Q Did you preserve the anonymous letters which you received? A I did.

Q Are they here in court now? A They are.

Q Please produce them.

Mr. Sullivan: I raise the objection that I do not see the materiality or relevancy of this and I would like to have the objection passed upon.

Mr. Hill: I want to satisfy your Honor that the authorship of these letters is some person whose name is unknown to us, and with whom we have nothing to do.

The Justice: I see no objection to producing the letters if they are in court.

Witness produces a letter, the letter itself not being dated, being post marked at Newark New Jersey, January 19th, 10 P. M.

Mr. Hill: I offer this letter in evidence.

Mr. Sullivan: I object to it as irrelevant and submit the question to the judge. The evidence offered is not admissible because it is immaterial and because it is

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irrelevant, and does not tend to establish any issue that is in this case or this investigation.

Objection sustained. Exception by Mr. Hill.

Q Will you produce the other papers which you received-- the anonymous letters to which you have referred in your testimony that they may be marked for identification.

Witness produces four letters and four envelopes which were marked for identification W 1 & 2. V 1 & 2 U 1 & 2. And T 1 & 2.

Q Have you now produced all the anonymous letters to which you have referred, and have they been marked for identification in your presence? A Up to the month of February.

Q Please produce all the others which you say you received?

Witness produces four more ex letters and four more envelopes. They were marked S 1 & 2. R 1 & 2.

Q 1 & 2. And P 1 & 2. for identification.
and envelope

(The letter having no date but being post marked Newark, New Jersey, January 19th, at 10 P. M. and which Mr. Hill offered in evidence, which offer was refused-- was marked Ex. X 1 & 2. for identification.)

Q Have all the letters to which you have referred as anonymous letters now been marked for identification in your presence? A All but the last one which ^{is} referred to as anonymous but was mistaken.

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Q You made a mistake in saying it was an anonymous letter ?

A Yes, sir, it was not an anonymous letter.

Mr. Sullivan: In counting up the anonymous letters he put one in that was not anonymous.

Q Have you put in the one received in May ? A Yes, sir.

Q Have you put in the one received subsequent to May ?

A No, sir.

Q That was not an anonymous letter ? A No, sir. I was under the impression it was.

Q Do you know the writer of that letter ? A I know the party whose name purports to be signed to it.

Q Do you know the hand writing of it ? A There is not hand writing.

Q Printed ? A Yes, sir; letters pasted on the envelope and on the paper.

Q What about the signature ?

Mr. Sullivan: I object to the inquiry. It is not an anonymous letter and it has no relation to this inquiry that is now before your Honor.

The Justice: You have given all you consider anonymous.

The Witness: Yes, sir.

The Justice : You do not consider that an anonymous communication.

The Witness: Not in that light, I could not.

Mr. Hill: Do you believe that signature to be the signature

of the person who purports to be signed to it ?

A I believe it to be.

Q Can you give any theory why the signature to the letter would be in manuscript when the letter itself both upon the envelope and in the body of the letter is made up of printed letters cut from a newspaper and pasted on.

Objected to by Mr. Sullivan.

Q You have had considerable to do with Mr. Augustus H. Allen? first and last haven't you ? A Yes, sir.

Q Found him a pretty good scholar ? A I supposed he was.

Q Did you ever know him to be a bad speller ? A I do not know I ever noticed anything of the kind.

Q Never saw anything to call your attention to errors in spelling ? A Not that I recollect.

Q Can you think of any reason or motive why he should make a mistake intentionally over his own signature.

Mr. Sullivan: In reference to what.

Mr. Hill: One of these things. (Pointing to the letter)

Mr. Sullivan: It is not in evidence.

Mr. Hill: I know it is not.

Mr. Sullivan: I object as not bearing on this issue.

Mr. Hill: Then it cannot harm anybody.

Objection sustained. Exception BY Mr. Hill.

Q Is the letter which you have now produced and exhibited to me one which you say is not an anonymous letter ?

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A Yes, sir.

Q You believe it to be a genuine letter, do you ?

Mr. Sullivan: I object as immaterial and irrelevant.

Objection sustained. Exception by Mr. Hill.

Mr. Hill: I offer severally and separately-- if there is a ny distinction-- each of the letters or papers which have been marked here now for identification as produced by Mr. Whiting, including the one which he says is not an anonymous letter, and which is marked X 1 & 2, to P 1 & 2 inclusive.

Mr. Sullivan: I make the objection that they are inadmissible because immaterial and irrelevant.

Objection sustained. Exception by Mr. Hill.

Q Have you now produced all the letters which you spoke of as anonymous ?

The Justice: He has answered that question before.

Q Have you received any packages through the mail or otherwise, from unknown sources ?

Mr. Sullivan: I object as immaterial and irrelevant to this issue.

Objection sustained. Exception by Mr. Hill.

Q Is Jane Walsh still in your employ ? A She is.

Q Do you know whether or not she ever had an interview with the counsel in this case ?

Mr. Sullivan: Name the counsel.

Mr. Hill: The counsel.

Mr. Sullivan: In regard to that I think the question is objectionable as being indefinite. I think counsel ought to be named.

Mr. Hill: I mean either of the counsel for the people or who appear in the name of the people.

The Witness: As far as my knowledge goes she had an interview with Mr. Sullivan in the court room. That is all I remember as far as I know.

Q Upon the occasion of the second hearing at Harlem?

A Yes, sir.

Q And that is the only interview you know of that she has had with counsel in the prosecution of the case-- either Mr. Sullivan or Mr. Hayden? A Yes, sir. -- she saw Mr. Hayden, however, at the time the warrant was issued: she saw Mr. Sullivan later.

Q Have you now stated the only interviews which you know of?

A Yes, sir.

Q So that the arrangement was all made for the issuing of this warrant prior to the time when Jane Walsh saw counsel at all? A Yes, sir.

Q Do you know this Mr. Hastings who has testified here?

A I have no personal acquaintance with him.

Q Did you have an interview with him prior to the time when he made his deposition? A Yes, sir.

Q Where was it? A At the "World" office.

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Q What day was it ? A I don't remember the day.

Q State it as well as you remember ? A Somewhere I should say between the 5th and 10th of June.

By Mr. Sullivan:

Q Of this year ? A Yes, sir.

By Mr. Hill:

Q Who was present at that time ? A He and myself.

Q Anybody else ? A No, sir.

Q You went to the "World" office on that occasion to find out who was the author of the article which had appeared in the "World" ? A I had ascertained who the reporter was who wrote the article before I saw Mr. Hastings.

Q You went to the "World" office for the purpose of ascertaining ? A I went there for the purpose of seeing the person who got the article.

Q But you did not know who it was before you went to the "World" office ? A Yes, sir.

Q Before you went to the "World" office ? A Yes, sir.

Q Did you go to head quarters at the office in the first instance or did you go to Hastings ? A I went to head - quarters.

Q Did you ask for the man who wrote this article ? A I did.

Q Who did you see at the counter or publishing office at the "World". Can you recollect the name of the individual?

A No, sir, I do not know the individual; my card was sent up to the city editor.

Q Did you see the city editor ? A I did.

Q Did you hold any communication with anybody else in the office prior to the conversation with Hastings except the city editor ? A No, sir.

Q What is the city editor's name, whom you saw ? A Mr. Sutton.

Q I want you to state what you said to Mr. Sutton when you saw him, and what he said to you ?

A I said in substance to him that they published an article in their paper that reflected as a libel: He asked me what I proposed to do-- what I wanted to do.

Q Did you say to him against whom it was a libel ? A I don't recollect that I do.

Q Didn't you declare to him that it was a libel upon yourself: Think about it carefully now because I am going to ask you about it hereafter more particularly. ? A I told him that the article was the most outrageous libel published in the city of New York for twenty years past, and he wanted to know what I proposed to do.

Q Didn't you say against whom it was a libel ? A I do not recollect I did say it, it was not necessary to say that.

Q And he wanted to know what you proposed to do ? A I said I proposed to hold Mr. Allen responsible for it because he had furnished the facts to the paper. I asked if Mr. Hastings was in and he said he was not and I waited there

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for some time and Mr. Hastings did not come in, and I went away without seeing him ?

Q Did you call again ? A I did.

Q When ? A One or two days after. Either the next day or the day following.

Q Did you see the city editor again ? A Yes, sir.

Q What did you say to him then ? A I said nothing I recollect which bore upon this matter any further than asking if Mr. Hastings was in; I do not recall the details of the conversation.

Q You did not speak of the article ? A I may have done so I don't remember.

Q Whether you did or not ? A No, sir.

Q Did you see Mr. Hastings that day ? A Yes, sir.

Q Is it true that the very first thing you said was to tell him that the article was libellous ?

Mr. Sullivan: Sutton or Hastings ?

Mr. Hill: Mr. Hastings.

A The first thing--

Q Is that true, please tell me first ? A I think it is not

Q Please begin now and state what you did say and give it in the order of its occurrence as well as you remember it?

A. I asked Mr. Hastings where he obtained his information and how he obtained his information from which he wrote that article and he then told me how he had obtained the information. He told me he had gone in response to an

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advertisement which he ^{also} saw in the Herald at the direction of the City Editor, to Mr. Allen's office, and that he had quite a conversation with Mr. Allen, Sr. and that young Allen was out; he went out and left word where he would be and that Mr. Allen, Jr. that same evening in the neighborhood of eight o'clock came to the World Office and he read over to him his notes; some of them were corrected by Mr. Allen and the others were assented to and he produced a letter that was this printed letter, then and there. At that time to the best of my recollection I told him the article was a gross libel and it was an infamous lie; that this woman had been my servant and nothing more than my servant. I asked him if he could swear to those facts and he said ~~I~~ he could and I left him.

- Q Was that all that occurred? A. Yes, sir.
- Q As well as you remember it? A. Yes, sir.
- Q Had you then already been to see counsel about the matter? A. I had.
- Q Who did you see? A. Mr. Hayden.
- Q And a relative of yours? A. Yes, sir, my nephew.
- Q Had you retained him professionally? A. I hadn't paid him any fee.
- Q The question is whether you regarded the relation between yourself and Mr. Hayden prior to your visit to the World Office as professionally or personally? A. Professionally.

- Q I observe you stated that when you went to the City Editor you said you proposed to hold Mr. Allen responsible for the article as an outrageous libel. Where did you get your information that Allen had furnished the information? A. In the first place from the paper itself.
- Q Where next? A. From my counsel.
- Q Mr. Hayden? A. Yes, sir.
- Q Did he tell you how he knew it? A. Yes, sir.
- Q What did he tell you on that subject? A. That he had seen Mr. Sutton, the City Editor and had been informed by Mr. Sutton that Mr. Allen was at the office and saw the reporter, Mr. Hastings, who gave him the facts.
- Q And that was the only information you had about it? A. Yes, sir, at that time.
- Q Now you ^{said} say that this was a gross and outrageous libel to both the newspaper editor and to Mr. Hastings, the reporter and that this woman, Jane Walsh, had been nothing more than your servant? A. Yes, sir.
- Q Was it not the fact that the libel which you refer to there was a libel against yourself? A. I refer to both libels against her and myself both. They are combined so they cannot be separated.
- Q You did refer to it as a libel against yourself? A. Equally with her.

- Q Wasn't that the primary reason you went to the World Office ? A. Yes, sir.
- Q I mean because it was a libel upon yourself ? A. I went to the World Office for the purpose of ascertaining with definiteness who was the party that furnished the facts to the paper.
- Q Was it not the fact that you went to the World Office primarily because you regarded that article as a libel upon yourself ? A. I did not regard it as a libel upon myself. The principal reason was as I have stated in the first place to obtain the facts. I had not at that time determined what course of action I should pursue.
- Q Were you very indignant about that ? A. I was somewhat indignant.
- Q Were you not very indignant about it ? A. I had considerable indignation about it, certainly .
- Q Were you not very indignant about it -- intensely indignant about it ? A. Yes, sir.
- Q Why didn't you say so in the first place ? A. I thought my answer covered it sufficiently. I have no wish to conceal any of my motives.
- Q When did you have your first interview with Jane Walsh about going to Court ? A. On the 12th of June.
- Q The day before you went to Court ? A. Yes, sir.
- Q So you had made up your mind that you would prosecute Mr.

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Allen for that outrageous libel and was in a state of intense indignation about it for nearly a week before you had a talk with Jane Walsh about going to Court ?

A. I said on the 12th of June, the day before we appeared in Court: , The 13th of June was that day.

Q When did you go to the World Office ? A. Somewheres between the 5th and 10th of June.

Q The first time ? A. I think so.

Q When did you go the second time ? A. A day or two after the first.

Q How many days elapsed between your second visit to the World Office and your first interview with Jane Walsh about going to Court? A. It must have been some four or five days; I do not recollect.

Q Is it not true that for four or five days to a week before you went to Court you were in a state of intense indignation about this article as a gross libel upon yourself, and that you had made up your mind to prosecute Mr. Allen about it and was under that conclusion all that time ? A. That is true.

Q Now, sir, do you recollect having called upon Mr. Allen at his office ?

Mr. Sullivan: You mean the defendant ?

Mr. Hill: Yes, sir.

A. I do.

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- Q When did you call there ? A. After the publication of the article.
- Q Who was with you on that occasion ? A. Mr. Edsall and Mr. Hayden.
- Q Mr. Edsall, the lawyer ? A. Yes, sir.
- Q And Mr. Hayden who is your counsel ? A. Yes, sir.
- Q Did you see Mr. Allen on that occasion ? A. Yes, sir.
- Q Did you have any paper with you that you asked him to sign ? A. I did not.
- Q Did either of the gentlemen who accompanied you ? A. No, sir; not to my knowledge.
- Q Did you hear nothing of that kind spoken of ? A. As to their having any paper in their possession ?
- Q Yes, sir.
- A. No, sir.
- Q Or about signing a paper ? A. There was something said about signing a paper.
- Q Who said it ? A. I said it.
- Q Now, please begin at the beginning of that conversation and repeat it to his Honor as well as you remember it giving what each gentleman said as you remember it ?
- A. I ~~was~~ went into his office and closed the door and ~~said~~ said to him that since he mailed his first letter on the 19th day of last January which I had received on the 21st of January, I had been on his track; that I had

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come htere either to take his written admission of ~~that~~
that he sent the letters
the fact, or I would obtain a warrant for his arrest.

The Witness: Do you want his reply ?

Mr. Hill: I want everything that occurred.

A. His next answer was you have no proofs; you may as well accuse this gentleman there of such a scandalous thing -- point to Mr. Edsall. I said I ^{have} had legal proofs and I have taken legal advice in this matter. He said it is a lie -- I do not know what perjured witnesses you may produce to prove this thing. I said very well; I didn't come here to bandy words with you -- ~~that~~ I wouldn't touch you any more than I would a convist out of State Prison -- either you give me that written admission or I will put you behind the bars where you belong. Subsequently Mr. Hayden spoke to him and advised him to consider the matter and to avoid further publicity. I don't recollect what Mr. Hayden said, but it was to the effect that it would be better to settle the matter.

Q Did Mr. Hayden say that ? A. I can't say what he said.

Q Didn't you use thw word "settlement" just now ? A. I did.

Q Did you mean it ? A. I meant it in substance.

Q It was used deliberately, wasn't it ? A. I didn't say it was.

Q Was it used deliberately ? A. I don't say so.

Q Why did you give it here just now -- why did you make use of it ? A. I told you at the beginning I couldn't

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recollect what Mr. Hayden said.

Q Why did you use the word "settlement" ? A. As conveying the impression it left on my mind.

Q That Mr. Hayden made use of ? A. Yes, sir.

Q And that was an accurate representation of the impression left on your mind of what he said ? A. Yes, sir.

Q It was ? A. Yes, sir.

Q Now did you go there for the purpose of inducing him to settle ? A. I went for the purpose I stated.

Q Did you go there for the purpose of inducing Mr. Allen to settle ? A. I did not.

Q You did not ? A. No, sir.

Q Didn't Mr. Hayden go there as your counsel ? A. He went as a lawyer.

Q And a friend ? A. As my counsel without authority to say anything for me.

Q By previous arrangement ? A. Yes, sir, he was not to say one word by previous arrangement.

Q But he did ? A. Yes, sir.

Q Did you protest against what he said ? A. Not at the time.

Q Have you ever until this time protested against a word he uttered there ? A. No, sir.

Q What was -- was what he said satisfactory to you ?

A. It was neither satisfactory or unsatisfactory. I did not consider it amounted to anything.

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Q Won't you answer my question whether it was satisfactory to you or not ? A. I have answered it.

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

Q What is the date of the first letter which you received as an anonymous letter ?

Mr. Sullivan: I object to that and my objection is that this witness is a witness for the defendant. I have not objected to his cross examination because counsel undoubtedly regards him as an adverse witness. I have conceded that. I object further because if he can ask the date of those letters he can ask about everything in them and I claim it is immaterial and irrelevant.

Objection sustained; exception by Mr. Hill.

Q Was the letter which you referred to of January -- did you mention that letter to Mr. Allen in that interview at his office ? A. Not especially.

Mr. Hill: The stenographer will please turn back and read the witness' answer on that subject.

The stenographer turns back and reads as follows :

Q. Now please begin at the beginning of your conversation and repeat it to his Honor as well as you remember it giving what each gentleman said as you remember it ? A. I went into his office and closed the door and said to him that since he mailed the first letter on the 19th day of last January which I had received on the 21st of Janu-

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ary I had been on his track.

Q Are you satisfied now, Mr. Whiting that you did make a reference to that letter especially ? A. I referred to the date on which the first letter was sent; I made no special reference to that letter or any of the letters; they were all taken together as a class of anonymous letters; that is all I intended.

Q Did you in your statement to Augustus H. Allen refer to a series of anonymous letters which you have here produced ? A. I intended to.

Q With the exception of the one which came afterwards ? A. Yes, sir.

Q Do you mean to say now that you can give accurately the language which Mr. Allen used on that occasion ? A. Very nearly so.

Q Did you make any memorandum of it ? A. I am not certain as to that.

Q Was any memorandum made of that conversation by anybody that you know of ? A. Not that I know of.

Q Have you ever seen any memorandum, purporting to be or any writing purporting to be a memorandum of that conversation made by anybody ? A. No, sir.

Q Were you very much excited on that occasion ? A. I was somewhat excited.

Q Were you not intensely excited ? A. No, sir.

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Q Were you not very much excited ? A. I was somewhat excited.

Q Were you not very much excited ? A. I have been much more excited than I was then.

Q Were you not very much excited, ? A. No, sir.

Q Were you cool and collected ? A. I was collected but I was not cool; a person who is excited is not cool

Q Did you talk very loudly ? A. I did.

Q Have you any idea that your voice was overheard in the outer room ? A. I did not think about it at all.

Q You were so much excited you didn't think about that subject ? A. I did not pay any attention to the subject. ~~I was so excited~~ ^{did not} I ~~couldn't~~ think of it.

Q But you didn't think of it ? A. No, sir.

Q Now, what did you take Mr. Hayden and M. Edsall along for ? A. I took them along as my counsel and as witnesses as to what might take place.

Q Then did you shut up the door when you went in his room ? A. Yes, sir.

Q What for ? A. So our interview could be private.

Q And yet you talked so loud people could hear it in the outer room ? A. I didn't talk for that purpose.

Q How did you talk ? A. I talked loudly because I always do.

Q And yet you say you shut the door in order to have this a private interview ? A. Yes, sir.

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- Q And you talked loudly ? A. I may have talked louder than I thought for.
- Q Did you mean when you went in that room and shut the door that you should have two witnesses present to hear what Augustus H. Allen said to you and you to him, while he should have none ? A. Witnesses as to what would be said.
- Q There and then -- did you mean that ? A. I meant ---
- Q Tell me that; did you mean that ? A. No, sir.
- Q Then why did you shut the door ? A. Because as I said before I wished to have the interview private.
- Q You wanted it private between you and Augustus H. Allen ? and you wanted Edsall and Hayden as witnesses for you ? A. I made no objection to anybody's coming in.
- Q But didn't you mean when you shut up that door that nobody else should be present at that interview ? A. Not if he desired it.
- Q What was the first thing you said to Mr. Allen when you went in there ? A. I have already stated.
- Q I don't ask you for nothing; I want you to state it again. A. Ever since you mailed that letter on the 19th day of January which was received by me on the 21st of January I have been on your track.
- Q That was the first thing you said ? A. As far as my memory goes.

- Q Had anybody else spoken up to that time ? A. I believe these gentlemen said good morning.
- Q Who entered the room first of you three gentlemen ?
A. Either Mr. Edsall or Mr. Hayden.
- Q And you followed them in ? A. Yes, sir.
- Q What was Allen doing when you saw him first ?
A. He was saying good morning I think, to these two gentlemen.
- Q Sitting down or standing ? A. Standing.
- Q By his chair or remote from it ? A. Near his chair.
- Q Is it the fact when you entered the room you yourself closed the door and stood in front of the door ?
A. Yes, sir.
- Q So that nobody could have ^{opened} ~~closed~~ the door without re - moving you ? A. That is not so.
- Q How far were you from the door ? A. I was, at least, to the best of my recollection two feet from the door.
- Q But still standing in front of it ? A. Yes, sir.
- Q Did you move from that position while you were in the room ? A. I believe not.
- Q Now, sir, you told him you had been on his track ever since that first letter was received ? What did you mean by that ?

Mr. Sullivan: I object. I do not object to anything that was said between this gentleman and your client.

Mr. Hill: I want to say Mr. Sullivan and I think I have the right to that I would like to be permitted to go on with this investigation without further objection.

Objection overruled.

A. I cannot express myself any more clearly.

Q Did you mean that you had been making investigations with respect to the authenticity of those letters or their source ? A. Yes, sir.

Q And you meant to convey to him the fact that you were satisfied that he was the author ? A. I certainly did.

Q Had you ever had any conversation prior to that time with Augustus H. Allen about the fact that anonymous letters had been received ? A. No, sir.

Q Do you know whether he knew anonymous letters had been sent to you ?

Mr. Sullivan: Prior to that time ?

Mr. Hill: Yes, sir.

The Witness: Prior to that interview ?

Mr. Hill: Yes, sir.

A. He never knew it from me.

Q Did he know it in any way or have information about it so far as you know ? A. I understood him to.

Q How did you learn that fact ? A. From a letter from him.

Q That you had been receiving anonymous communications ? A. Yes, sir.

Q Where is that letter ? A. I presume it is here.

Q Will you kindly produce it ?

Mr. Hill: Mr. Sullivan will you show me those anonymous letters ?

Mr. Sullivan: Won't I be publishing a libel ?

Mr. Hill: If you can get anybody else to induce me to make the disclosure. I should be very glad and I regard it as important to my defense to examine those letters.

Mr. Sullivan: We will consider the matter.

Q Mr. Whiting, did you ^{me} observe the correspondence which you had with Augustus H. Allen ? A. I think I did.

Q All of it ? A. I should say ^{so} that is my impression of it.

Q Have you delivered it to your counsel ? A. I think I have.

Q All letters of Augustus H. Allen after Mrs. Whiting's death ? A. I could not answer that; I think probably I have some at home; I do not know.

Q Is it not the fact that prior to Mrs. Whiting's death you and Mr. Augustus H. Allen were very intimate friends ?
A. Yes, sir.

Q Confidential friends ? A. Yes, sir.

Q And affectionate friends as far as you know ? A. Yes, sir.

Q He went with you boating ? A. Yes, sir.

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- Q And sporting ? A. Yes, sir.
- Q Was at your house much ? A. Yes, sir.
- Q Fond of him and he of you ? A. Yes, sir.
- Q For aught you know ? A. Yes, sir.
- Q When did that relation change ? A. Last October.
- Q Never before that ? A. No, sir.
- Q Had that anything to do with Jane Walsh ? A. It had.
- Q And that was the beginning of it, of your trouble with Mr. Allen ? A. Yes, sir.
- Q Have you spoken to him since October last except in the office ? A. No, sir.
- Q Then the quarrel or whatever it was was one which sprang into that degree of bitterness which prevented intercourse between you except by letters; is that the fact ?
- A. Yes, sir.
- Q You never called upon him afterwards except in a business way ? A. No, sir.
- Q And that quarrel was about Jane Walsh ? A. No, it was not about Jane Walsh.
- Q Was it about anything with which she was connected ?
- A. Yes, sir.
- Q So far as you know has Jane Walsh ever paid anything towards the counsel fees or expenses of this prosecution ?
- A. No, sir.
- Q Have you ? A. Yes, sir.

- Q Paid them from your own resources ? A. Yes, sir.
- Q And about how much money have you expended; I do not care to go into details nor whether for counsel fees or anything else but I want to know the aggregate ?
- A. I have drawn checks to the amount of \$400.
- Q Any more ? A. No, sir.
- Q You have spent \$400. in this prosecution ? A. It has not all been spent, I presume. I have parted with the amount of \$400.
- Q You have disbursed some \$400. in this prosecution ?
- A. You would hardly call it disbursed. I have handed over that amount of money to my counsel.
- Q To be expended if necessary ? A. Yes, sir.
- Q You have incurred that amount of liability in the matter ?
- A. I have parted with that amount of money. I did not incur liability.
- Q Do you propose ever to ask Jane Walsh to pay any part of it ? A. No, sir; she cannot afford it.
- Q So you are bearing the expense of this prosecution and expect to do so ? A. I am and expect to.
- Q And are the father of it, aren't you ? A. No, sir; I didn't publish the libel, but I suppose you might call me the father.
- Q Don't you regard yourself so -- as the instigator ?
- A. No, sir, I am not altogether the instigator.

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Q Is Jane Walsh's story to the effect that you asked her if she would go to Court in this matter, true ?

Mr. Sullivan: I object to the question because it assumes that Mrs. Walsh says something which the testimony does not disclose.

Objection sustained; exception.

Q Had you paid any money in this prosecution before you spoke to Jane Walsh upon the subject of going to Court ?

A. No, sir.

Q Are you sure ? A. Yes, sir.

Q Had you incurred any personal liability in this prosecution before you spoke to her upon the subject of going to Court ? A. I had spoken to Mr. Hayden as counsel in the case.

Q Had you incurred any other liability ? A. Not to my knowledge.

Q Had Mr. Hayden incurred any in your behalf ? A. Not to my knowledge.

Q As far as you know ? A. Not to my knowledge.

Q Are you now speaking deliberately on that subject -- had he incurred any liability of which you were aware at all prior to that time ? A. No, sir.

Q Had you incurred any at all to anybody whether Mr. Hayden or anybody else ? A. Nothing further than I have stated.

Q Had employed nobody else ? A. No, sir.

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- Q In any way ? A. No, sir.
- Q Is that true ? A. Yes, sir.
- Q When did you first speak to Mr. Hayden upon the subject of this matter of the anonymous letters or of this difficulty ? A. I do not recollect the date when I first spoke to Mr. Hayden about anonymous letters.
- Q State it as well as you remember it ? A. I think to the best of my recollection -- it was back a good ways -- I think it was on the day I received the first one -- the 21st of January.
- Q So that whatever you had done as to being on the track of Mr. ^{Allen} ~~Whiting~~ in that regard had been done either by you personally or by Mr. Hayden so far as you know ? A. Yes, sir.
- Q Do you know Mr. Henry Allen ? A. I do.
- Q When did you form his acquaintance ? A. Somewhere between 1853 and 1857.
- Q I mean Mr. Henry W. Allen, the District Attorney ?
A. That is the party I mean.
- Q Have you had any communication with him with respect to this matter or any of its incidents ? A. I have.
- Q Did you on or about the 2nd of June or prior thereto ?
A. Yes, sir, about that time.
- Q Anything in relation to this box of poison candy ?
A. Yes, sir.
- Q When did you have that communication with him ?

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A. About the 1st of June.

Q Did you ask him to make an investigation about it ?

A. About what ?

Q. About the candy.? A. I didn't ask him to make any investigation.

Q Did you ask him to do anything ? A. I didn't ask him to.

Q What did you say to him ? A. I told him the history of this case.

Q What part of it ? A. The anonymous letter and the box of poison candy and the libel and the whole thing.

Q How many interviews have you had with him on the subject ?
A. I can't say definitely; probably two or three.

Q Did he ever show you the box of candy ?? A. No, sir.

Q When did you know that it was in his custody, if ever ?
A. Somewhere about the 1st of June.

Q How did you know it ? A. To the best of my recollection it was through information given to me by Mr. Hayden.

Q About the 1st of June ? A. In that vicinity.

QV Did you tell Mr. Allen that you had been to Mr. Henry Allen and that you had been to Mr. Augustus Allen's office in company with Mr. Hayden and Mr. Edsall ? A. I think I did.

Q Did you tell him anything about the fact that Mr. Hayden had said there and then in your presence anything about the settlement of this matter ? A. I do not recollect.

Q You don't recollect it ? A. No, sir.

Q Have you

Q Have you a good memory ? A. Not especially good.

Q Do you call it a retentive memory ? A. I call it as good as the ordinary run.

Q And you cannot remember whether you said anything about that or not ? A. I said to the best of my recollection that I did not.

Q Don't you know you didn't ? A. I have answered your question.

Q Don't you know you did not ? A. I have answered your question.

Q You say to the best of your recollection; I ask don't you know you didn't ? A. I cannot make the answer any clearer.

The Justice: I understand he has answered the question; that to the best of his recollection he did not.

Q I ask him if he does not clearly recollect that he did not do it; it may be that the best of his recollection is perfectly clear. A. I do not recollect that I did not.

Q Did you mean and intend to settle this case when you went to Mr. Allen's office in good faith ? A. I said I did not go there for the purpose of settling this matter.

Q Is that all you have to say to the question ? A. Do you wish me to explain my answer more fully ?

- Q Augustus H. Allen I mean. Do you mean that you went there to have justice done ? A. Yes, sir.
- Q Your idea of justice was just what now ? A. A man who had done wrong and who was to make such preparation as was in his power; he should make such reparation.
- Q And what was the reparation you sought then ? A. The reparation I sought then was that I should be placed in a position where I should be free from these annoyances ^{by} because of the receipt of these anonymous letters and that this libel -- this libellous matter should be denied by him also.
- Q That is to say he should sign a statement which should be published acquitting you of any connection of impropriety with Jane Walsh ? A. I ^{have} had not stated that.
- Q Did you understand that this paper -- this World article charged you with any improper relation with Jane Walsh ? A. I certainly did.
- Q Will you point out now to his Honor the thing in the World article which you ^{said} accuses you of any impropriety with Jane Walsh ? A. This phrase in the letter.
- Q "I know how you bragged about setting him against his mother-in-law and of making him forbid the old woman the house". That was one place and another is in the latter part of the article "Vague rumors began to circulate involving Mr. Whiting and I called on and remonstrated with

him but he upheld his housekeeper and seemingly forgot his relations to us."

Q Is there anything else ? A. Nothing that I see.

Q Please look it through carefully. I don't want you to have the opportunity later to say there is anything else ?

A. Well, where it says about I know your wanting to be Mrs. Whiting No. 2. That would imply impropriety but not in the sense of *illicit intercourse*.

Q Do you think there is anything in the article which charges you with *illicit-intercourse* even by insinuation ?

A. Without question.

Q Point out the particular thing you now refer to in that connection ? A. "He was always affectionate to his wife and our family but soon after my sister's death he ^{promoted} ~~permitted~~ one of the servant girls in his household to be housekeeper; her name is Jane Welsh, the woman referred to in the letter; she was a most ignorant woman and very distasteful to all who came in contact with her. Vague rumors began to circulate involving Mr. Whiting and I called on and remonstrated with him but he upheld his housekeeper and seemingly forgot his relation to us so that the result was he and his children ^{have} ~~had~~ been estranged from us since that October.

Q Do you think that means *illicit-intercourse* with Jane Walsh?

A. I do.

- Q Is there anything else which means the same thing to your mind between you and Jane Walsh ? A. This place in the letter by imprecation implies the same thing. "I know how you bragged of setting him against his mother-in-law and of making him forbid the old woman the house which was a dirtier trick than even I, thief and rogue as I am would do.
- Q What is there about either of those expressions which to your mind signifies *illicit intercourse* with Jane Walsh -- between Jane Walsh and yourself ? A. Well, where a woman brags that she can make a man forbid his mother-in-law the house the inference to my mind is a fair one that that woman possesses an undue influence over that man.
- Q Do you think that means *illicit intercourse* ? A. I do.
- Q That because a woman has some influence over a man she has necessarily had *connection with him* ? A. You make the statement much broader than I do.
- Q Do you mean to say that the clauses which you have read from that article signified that Augustus H. Allen charged or intimated that you *had had carnal connection with Jane Walsh* ? A. I say that those words would furnish the fair inference that that was the fact.
- Q And that, simply because the article in your interpreta-

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tion of it, charged the fact that Jane Walsh had undue influence over you ? A. That is not what I have said.

Q Is there any other thing you want to say as indicating to your mind selected from that article that you and Jane Walsh had *carried connection* if so point it out now ?

A. Where a woman occupying the position in the household that she does, has an undue influence over the head of the household, and he a man, the public inference is that they are unduly intimate.

Q "Unduly intimate" ⁱⁿ with what way ?

A. I think intercourse, personal intercourse, carried connection.

Q The whole tenor of it ? A. The sentences I have read.

Q You don't mean the whole tenor of the article ?

A. No, sir.

Q Now, Mr. Whiting, is that the only reason why you said when you went to the World Office that this article was grossly libellous -- outrageously libellous ? A. One of the reasons.

Q What other reason was there which induced you to believe it was an outrageous libel ? A The printed letter charging this woman with these crimes.

Q What other thing in the article is there which you regarded as an outrageous libel upon you -- anything ?
A. I believe not.

Q Have you stated all which you regarded to be libellous ? and all which you now regard to be libellous upon yourself

alone ? A. Yes, sir.

Q Have you now stated what you regard as libellous in that World article with respect to you and Jane Walsh together; I mean joint acts or acts in connection with you or ^{you} ~~used~~ in connection with her ? A. I have stated all which affects us jointly.

Q And all which affects you severally ? A. Yes, sir.

Q Now, Mr. Whiting, why didn't you institute this prosecution yourself, since you are the father of it and are footing the bills and are the real prosecutor of it ? A. Because her vindication is my vindication; but my vindication is not her vindication; there is but one penalty for libel; if there were two I should certainly have taken my proceedings separate and distinct from hers.

Q You say there is but one penalty for libel ? A. So I have been informed.

Q So if there is a libel upon half a dozen different persons and one institutes the proceeding, that is the end of it ? A. That is as I understand it.

Q Tell me why you chose to make us of a woman for the prosecution of this criminal action against Augustus H. Allen while you are footing the bills and are the real prosecutor, instead of instituting it in your own name ?

Mr. Sullivan: I object to the question because interjected in it is a good deal more than a question.

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Mr. Hill: I waive the question for the present.

Q Is it true that you made use of this woman for the purposes of instituting this prosecution? A. I did not.

Q Haven't you here said that you were the real prosecutor in substance? A. I did not say that.

Q Don't you regard yourself as such; don't you regard yourself as more responsible, as primarily responsible for the institution of this proceeding and its prosecution? A. I think we are equally responsible. I happen to have the material means to carry it on; that is the only difference between us.

Q Weren't you engaged in it at least a week in getting ready for it before you spoke to her about going to Court?

A Before I spoke to her about going to Court? There was nothing said about her going to Court by me until the 12th of June.

Q Weren't you engaged in getting ready for this prosecution and in threatening to prosecute Augustus H. Allen for this same libel published in the World? A. Yes, sir.

In the interview with her in which she stated she was willing to go to Court I asked her if she was willing to leave this matter in my hands and she said yes; from that time I took the necessary steps.

Q And the case has been in your hands? A. Until I placed it in the hands of my counsel.

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Q You had placed it in the hands of your counsel long before, hadn't you ? A. Not very long.

Q A considerable time before ? A. Well, the libel was published on the 28th of May and the warrant was issued on the 13th of June.

Q Had been in the hands of your counsel for nearly two weeks ? A. Yes, sir.

Q Now, what I want to get from you is this; why it was when you had the right or privilege of instituting a legal proceeding based upon that same article for improper language and a *criminal* offense against you --why it was you did not institute the proceedings having counsel already engaged who were at work on the case, but did subsequently seek to have Jane Walsh leave the matter in your hands and the prosecution should be carried on by her ? A. I did not seek to have Jane Walsh leave this prosecution in my hands.

Q Why didn't you institute it yourself ? A. Because her vindication is mine but my vindication is not her vindication, and as I understand it there is but one indictment for one libel no matter how many are implicated.

Q But you expected to get incidental vindication by getting Jane Walsh to prosecute this action ? A. Yes, sir.

Q That was the reason why you took this interest in it ? A. One reason.

- Q What was the other reason ? A. Because I considered the woman had suffered an injustice.
- Q Is there any other reason ? A. No, sir.
- Q Now, Mr. Whiting, has the feeling which you felt towards Augustus H. Allen in the office of Allen, Talmage & Allen when Mr. Hayden and Mr. Edsall were present, abated in any respect ? A. I do not know that it has changed any.
- Q Is it the fact that it is just as intense ~~than~~ now as then ? A. Probably not as intense as at that moment.
- Q Is it intense now ? A. Not what you call intense.
- Q What do you call it ? A. I call it simply a feeling of indignation.
- I
Q Anything more ? A. No, sir.
- Q Any feeling of bitterness ? A. No, sir.
- Q Not a bit ? A. No, sir.
- Q Was there then ? A. There might have been some; it is natural there should be.
- Q That is all based on your belief in the statement which you made at the office ? A. No, sir. It is not based upon that by a good deal.
- Q It is all based on your quarrel with him and that ?
A. You are referring now to the anonymous letters ?
- Q Yes, sir; the whole business; libel, anonymous letters, quarrel about Jane Walsh, and all. A. The libel is the principal thing.

Examined by Mr. Sullivan:

Q In the interview with Mr. Allen, the defendant at his office to which you have referred, was there anything said by you or by any one in your hearing to Mr. Allen about making any settlement in the way of getting any remuneration of money or recompense for any wrong real or supposed?

A. Not the most remote idea of any pecuniary consideration; ^{it} never has been mentioned or suggested in the case to any one.

Q When the word "settlement" was used as you have stated you have reference merely to getting some just acknowledgement from Mr. Allen? A. That was all.

Q So far as in this libellous article there is any charge or imputation of any impure relations between yourself and Jane Walsh -- is there any truth or foundation in fact for such a charge? A. Not the least.

Q So far as there is such a charge it is false? A. Yes, sir; absolutely and unqualifiedly false.

Mr. Hill: I asked again for the anonymous letters.

Mr. Sullivan: I will have to consider about that. I do not feel I have any control over them except for the purpose of showing them for identification. If I have any further connection with this matter I will confer with you, but I cannot of course say anything compromising now.

By Mr. Sullivan:

Q Can you state what, if anything, you said to Mr. Augustus H. Allen in the interview as said to have been had between you and him which is expressed as being on your part that you upheld your housekeeper. Do you recollect what you said about upholding her as it is called, and if you said anything to Mr. Allen ?

Question objected to by Mr. Hill.

Q What do you mean by what you say in this prosecution as to the fact that the vindication of Hane Walsh requires that she should be the complainant ? A. I mean there is very much in the article and the printed letter which has no bearing upon me whatever. ^{Question:} A. I understand your statement why you prosecute, that in participating in this prosecution as you have, that your motive was as an employer and to that extent the protector of your servant to see that she had the means of getting a public trial and justice ? A. Yes, sir.

Q Is that all ? A. Yes, sir.

By Mr. Hill:

Q Is that all the motive ? A. As I understand that question; it was all the motive which that question calls for. It was all the motive.

Q Was there any other motive in assisting her except that by reason of the fact you was her employer ? A. No, sir.

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Q I will now ask so that there may be something on the record about it, that in view of the changed aspect in which the letters are now figuring in this case, that they be severally and separately received in evidence.

Mr. Sullivan : I make the same objection that they are irrelevant and immaterial to this question as to whether the defendant is guilty or not and there is no justification in spreading all the anonymous letters -- libellous or otherwise -- which he has received and introduce them into this case.

Objection sustained; exception by Mr. Hill.

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Q I ask to have those letters deposited with the Court in order that they may be inspected by counsel in order to assist Mr. Allen in his defense.

Mr. Sullivan: I do not think the Court has any right to do this.

The Justice: They are not in evidence.

Mr. Hill: I ask to have them deposited just as if they were burglar's tools.

Mr. Sullivan: I do not think the Court has any power to require anybody to do that.

Mr. Hill: Do I understand you as opposing my request ?

Mr. Sullivan: Yes, sir.

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The Justice: I do not consider that I have any jurisdiction in the matter.

Mr. Hill: And you decline the request?

The Justice: Yes, sir.

Mr. Hill: And I will take an exception.

Mr. Hill: (To Mr. Sullivan) So far as my personal request is concerned you want time to consider it; I do not understand you to decline that now?

Mr. Sullivan: That is a matter for consideration afterwards.

Mr. Hill: I ask for an adjournment now until some time in September.

Mr. Sullivan: I object unless counsel will state he has some other testimony to offer.

Mr. Hill: I have some other, but whether I shall offer it or not is a question in my own mind.

The Justice: Under those circumstances I do not see any objection for the case to go over until September. I cannot attend to it myself now because I am going to take my vacation. Make it an early day in September.

Mr. Hayden: Mr. Whiting may go to Europe.

The Justice: Make it the 15th of September and in the event of Mr. Whiting having to go to Europe, then adjourn it over until October.

Adjourned to September 15th, 1884 at 10 o'clock A. M., the place of the hearing to be decided upon.

*Summ W before me this
July 30, 1884
Samuel C. Bailey Police Justice*

J. R. Whiting

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The People ex rel Jane Walsh

vs.

Augustus H. Allen.
----- x

Before O.
Justice Reilly,
Jefferson Market Police Court

N. Y. September, 24th, 1884.

Met pursuant to arrangement.

Present: The Justice, Mr. Hill, Mr. Sullivan, and
Mr. Hayden.

HENRY W. HAYDEN, being duly sworn testified as follows:

Examined by Mr. Hill.

Q You heard Mr. Whiting's testimony ?

A Yes, sir.

Q And are the person referred to by the name of Hayden in
his testimony ?

A Yes, sir.

Q Will you please state what occurred after you entered Mr.
Allen's office upon the occasion referred to by Mr. Whit-
ing ?

A I went there with Mr. Whiting and Mr. Edsall. I entered
the office first and Mr. Edsall followed and Mr. Whiting

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closed the door and stood up facing Mr. Allen and charged him with being the author of the communications.

A Please state what he said ?

A I can only state the substance of what was said. Mr. Whiting charged him with being the author of certain anonymous communications which he Mr. Whiting had received. Mr. Allen denied the charge and said that there was no evidence which Mr. Whiting had by which he could sustain the charge; that he might produce perjured witnesses but there was no truth in the accusation; that was the substance of what occurred.

Q Did Mr. Whiting produce any communication or refer to any particular communication or did he refer to a series of communications ?

A I cannot now remember whether he produced any paper or not; the interview was a very short one and a very exciting one.

Q Did Mr. Allen appear to be very much excited ?

A Yes, sir; he did.

Q At first when you entered, how was he in that regard ?

A At first he seemed rather surprised when he saw we were there and then Mr. Whiting, as I have said, made the charge and of course he was somewhat excited as a man naturally would be, and Mr. Allen was naturally excited as a man naturally would be when such a charge was made, whether

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justly or unjustly.

Q Irrespective of the production of any paper can you remember any specific paper or document that was referred to by Mr. Whiting ?

Mr. Sullivan: You mean by saying "You wrote such a letter" or something to that effect ?

Mr. Hill: I mean somehow identifying it by words, or whether he merely accused him of writing anonymous letters ?

A Really I do not now remember whether any specific letter was referred to or produced or not.

Q The fact was that a number of letters had been received before that ?

A Well, I would like to state that I went there as Counsel for Mr. Whiting, and whatever occurred --

Q What I want to know is whether in the nature of things they were referring to one letter or a series of letters ?

A My best recollection of it is the conversation related to more than one letter or more than one communication.

Q Exactly; that is all I wanted to know. Do you remember when Mr. Whiting entered the room, you say he entered the room last, did he stand in front of the door ?

A When I say he entered the room last, I think he entered the room last. I came first I think, but am not positive and Mr. Edsall followed me and I think Mr. Whiting came last.

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Q Did he stand in front of the door after he entered the room ?

A He stood with his back to the door after having closed it.

Q Close to it or away from it ?

A I should say two or three feet away.

Q But still in front of it ?

A Yes, sir; and the door was immediately behind him.

Q So as to prevent any egress from the room ?

A No, I should say not. The door was not locked but simply closed and he stood there.

Q You and Mr. Edsall went with him for the purpose of attending what was said and done, did you not ?

A We went there to see that no misconception could be placed upon what was said and done.

Q And for the purpose of yourselves knowing, did you not all that occurred ?

A We went there so if any controversy should ever arise as to what occurred, we might be able to give our version of it.

Q Did you make any memorandum with respect to the conversations ?

A No, personally I did not.

Q Did you see any made or know that there was any made ?

A I understand that Mr. Edsall made a memorandum of the date of the visit, but as to whether he made any memorandum of just what was said or not, I do not remember.

Q Were there any other persons in the office when you entered

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the room; I do not mean Mr. Allen's room, but in the office of Allen, Talmadge & Allen ?

A I am not certain as to that but to the best of my recollection there was an office boy sitting in the office whom I saw and that was all.

Examined by Mr. Sullivan:

Q Don't you recollect that the answer which Mr. Allen made when Mr. Whiting made the charge that he had sent to him an anonymous letter, and made the charge that was made, was this in substance -- you have no proofs ?

A Mr. Allen did reply in substance that we had no proofs of his having sent any anonymous communications.

Q Do you not recollect those were his words -- you have no proofs ?

A Those are to the best of my recollection the words which he used; and then he went on to add that we might produce perjured witnesses to substantiate the charge but it was not founded on truth and turning to Mr. Edsall who sat in the corner he said we might just as well charge Mr. Edsall with having done these things as to charge him.

Q Do you remember whether in that conversation or in that interview you said anything to Mr. Allen, using the word settlement or settle -- that he had better settle the controversy which Mr. Whiting had with him ?

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A I do not remember whether I used the word settle; I know that after Mr. Whiting stopped speaking and we were about leaving the office, I did turn to Mr. Allen and spoke to him for a few moments; whether I used the words settle or not I do not remember.

By Mr. Hill:

Q Have you now stated all that occurred in the office so far as you remember ?

A So far as I now remember I have stated it all in substance.

Q In saying that Mr. Allen made a specific answer, you do not mean to change what you have already said on your direct examination, do you ?

A He made a specific answer and on my direct-examination I have given the substance as well as I remember it now.

Q You do not mean by the language of the specific answer which you have undertaken to repeat, to change your general statement of the purport of the conversation ?

A My recollection of my direct and my cross-examination -- the substance of each is quite the same; nothing has been changed.

Q You understood Mr. Allen distinctly to deny this charge ?

A Yes, sir.

Q That was clear, positive and prompt ?

A He denied the charge and as I have stated said we might produce perjured witnesses to prove it.

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Q It was clear, distinct and prompt when the charge was made?

A I have given it as clear as I can, what was said.

Mr. Hill: Your Honor when we were last before you the question of the production of letters arose and that letter was submitted to you and you ~~was~~ ruled upon it.

Sullivan was to consider a suggestion by me of a pre-examination of those documents. I then believed and still believe that the proper elucidation of this charge so far as Mr. Allen is concerned, and the animus of the prosecution, depends upon the examination of those documents. I have been denied the privilege of seeing all except the one which Mr. Sullivan showed me. Under those circumstances it seems to me to be idle to submit that which I have no doubt will constitute but a partial defense for us now. I do not propose to submit half a defense, but to reserve such testimony as we may have and such testimony as we may have, and such theories as we may have so far as they are not disclosed with respect to this matter for a later time.

Adjourned to Friday, September 26th
1884, at 10 A.M.

*Sworn to before me this 25th day of September 1884
J. C. Sullivan*

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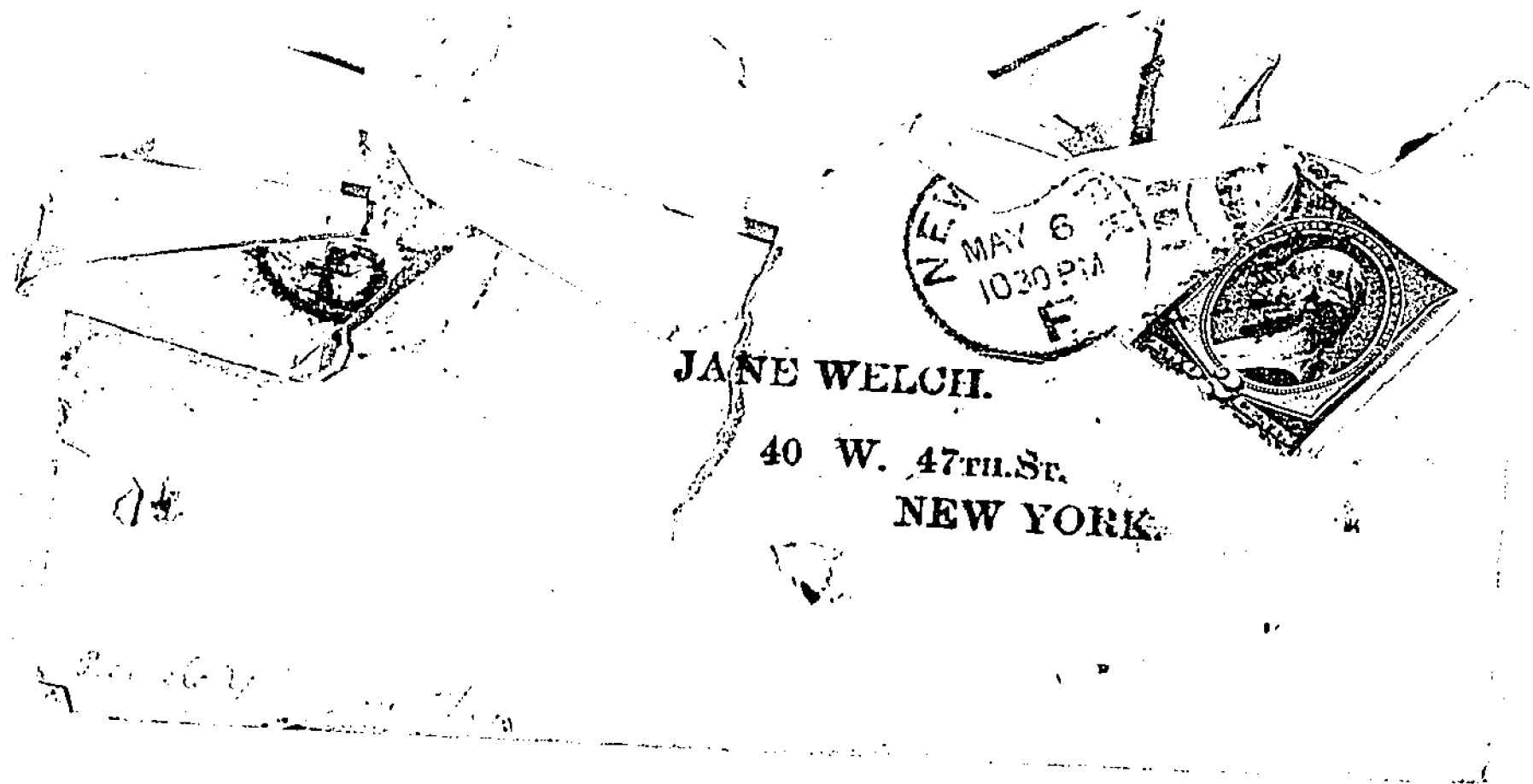
FOR JANE WELCH

House-keeper to Mr. J. R. Whiting,
of Spuyten-Duyvel, N.Y.

I suppose you thought your pal had got rid of me slick,
didn't you, sweet girl? but you slipped up again.
You and him run me hard, and it's my turn now. Take
the MEDICINE your-self you got for Whiting: Ah! I see
you get pale, and well you may. I mean to expose you
now, and your right place will be on the street. I will
give the story to Reporters. Listen! I know of you two
nights with Johnny F. . . behind the fence in Whiting's
woods; and about you scheming to steal his little boy: and
I know how you bragged of setting him against his moth-
er-in-law, and of making him forbid the old woman the
house—which was a dirtier trick than even I, thief and
rogue as I am, wouldn't do. I know how bad you
wanted to be Mrs. W. number Two. Don't I mind the time
you charged another old party, etc. . . The story will be
printed. If Whiting knew all I know, he wouldn't let
you tie his daughter's shoe's.
I will be away before this gets circulated and you know
if my name had best be told. D.M.

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District.

Offence

Dated June 13th 1884

Magistrate.

John Dwyer

Officer.

Connelly

Precinct.

Witnesses

Francis J. Hastings

No. 34 Park Row Street.

Henry W. Hayden

No. 48 Wall Street.

James R. Whiting

Myken Drapel

34007

Bailed

1884

It appearing to me by the within-depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

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1884

James R. Whiting

Police Justice

84/1-26

1884

James R. Whiting

Police Justice

There being no sufficient cause to believe the within named

guilty of the offence with

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Dated

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Sec. 193.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Daniel O. Reilly a Police Justice
of the City of New York, charging Augustus H. Allen Defendant with
the offence of Libel

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Augustus H. Allen Defendant of No. 1534
Second Ave Street; by occupation a Lorryman
and Louis Ettlinger of No. 155 East 79th
Street, by occupation a Lithographer Surety, hereby jointly and severally undertake that
the above named Augustus H. Allen Defendant
shall personally appear before the said Justice at the 5th District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of ten
Hundred Dollars.

Taken and acknowledged before me, this 13th
day of June 1884

Daniel O. Reilly POLICE JUSTICE,

Augustus H. Allen
Louis Ettlinger

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CITY AND COUNTY { ss,
OF NEW YORK, }

day of June 1884
Sworn to before me, this
Samuel M. Kelly
Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and free
holder within the said County and State, and is worth _____ Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of a house and lots of
land situated no 707 709 - 711
301 Second Avenue and is of
the value of \$100.000 mortgage only
\$50.000

Louis Ettlinger

5th District Police Court.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Undertaking to appear during
the Examination.

Augustus Hall

on the 13 day of June 1884

Do Reilly Justice,

POOR QUALITY
ORIGINAL

0198

State of New York :
City and County of New York.: SS:

Jane Walsh being duly sworn deposes and says:-

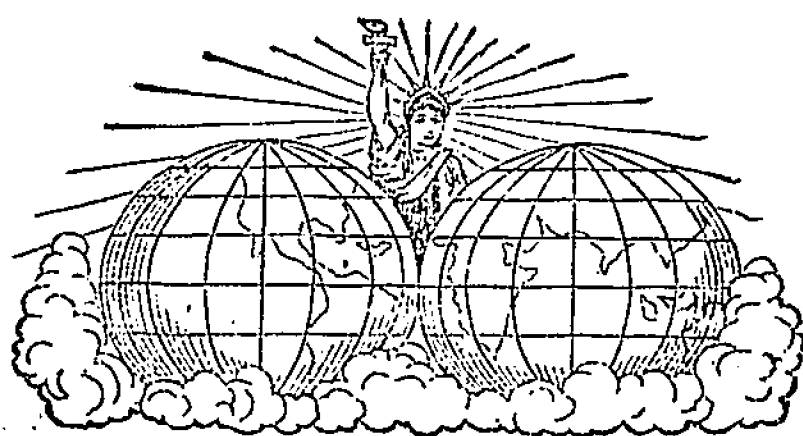
That she has been in the employ of Mr. James R. Whiting of Spuyten Duyvil, New York, as his housekeeper for about *twenty* months last past.

And that she is the person mentioned and described in The World of May 28th. 1884 in an article upon the first page headed "Poison in her Candy Box", as "Jane Welch" Housekeeper to MR. J. R. Whiting of Spuyten Duyvil N.Y.

That Augustus H. Allen of the law firm of Allen, Talmage and Allen, of No. 320 Broadway New York City, and who resides at No. 153~~7~~ Park Avenue New York City published and procured to be published in the said The World, a newspaper published printed and issued in and from said New York City in its issue of May 28th. 1884 a certain false, malicious and defamatory libel of and concerning this deponent as follows,

0199

MORALS
THEM WITH
IN UTAH.



TT

time of the business. The
written at the instigation
think the affair will have
effect."
Mr. Cyrus Field turned
of the day seen from
Washington Building
Gen. Grant was
soldier. No one knows
attains us, but he
know Ward and to
man whom anyone
instrument

NEW YORK, WEDNESDAY, MAY 28, 1884---TEN PAGES.

TO DIE.

Warning Him of

the world.
in Nihilists have
gun a new cam-
page of Moscow.
free and its capi-
a manifesto con-
Czar. As these
same night, and
work could have
ing to the neces-
is evident that
they ranks a
their
the

POISON IN HER CANDY-BOX.

A LADY RECEIVES A PACKAGE OF DEATH-
DEALING CONFECTIONS.

The Desperate Attempt of an Unknown Villain
to Kill a Number of Persons—A Letter Which
Opens a Family Closet and Displays a Skele-
ton.

The following advertisement appeared in one
of the daily papers yesterday:
\$100 REWARD WILL BE PAID FOR INFORMAT-
ion that shall lead to the conviction of the
miserable person who has sent a box of poisoned
confections to No. 104, Park Ave. ALLEN, TAL-
MAGE & CO., 104, Broadway.

SHERMAN'S COPIAH INVESTIGATION

The Minority Report
Methods

WASHINGTON, May 2
the Copiah Investigat
Senate to-day. It is si
bury, Jonas, Vance an
(the minority) dissent
ments and conclusions
majority, and present
affairs in Copiah Coun
mony of reputable
amined by the commit-
they say, "in the assen-
nothing can be more
such investigations as
political instruments, a
who have been investi-
and then to the

02000

STANDARD NEWS PAPER CO. NEW YORK

STANDARD NEWS PAPER CO. NEW YORK

would avoid the other two months of lament composed of this warning, evolutionists have at now that this long unheeded that he must pitilessly and re-er and predecessor, cards before most, and have made persons who printed of both sexes ion, and a thorough offices of all new-ected of disloyalty, sed in printing the d, however, and the ated up immediately

Vineyard.
TO THE WORLD.
r and Sankey, the a three weeks' fare- immense iron taber- on the Times En- setings they expect return to their homes in July.

am Dinner.
TO THE WORLD.
now, announced that e, instead of the Mar- anquet to be given to cam. The date of the igned from May 28 to

rs to America.
CH TO THE WORLD.
ated that many of the rants who were taken and there shipped for are absolutely desti- ad without a penny to the New World.

Committed.
risterial inquiry into y to murder has re- of the twelve pris- . The names of the ry, James Connolly, Donohoe, Patrick lham Murphy, Owen N. Fitzgerald, John

ut Not Wise.
Liberal meeting in as adopted express- ves and integrity of "wisdom" was also ally offered, but this g and they struck it

in Heiress.
ughter of the heiress f the wealthiest iron- d with Gordon Can- ng lady's governess, e the couple oppor- its are said to have

For His Post.
reported that Earl osition as Secretary s on the dissolution given for his resig- falling and that he is uct the business of

outed

vertisers and met both Messrs. Allen, father and son, practicing lawyers. The father, who is about seventy years of age, seemed broken down with grief at what he termed, the attempt to poison his wife, an estimable lady of sixty-five years. He preferred to say nothing about the matter and referred the reporter to his son, August H. Allen, a tall and fine-looking young man.

"On the 15th inst," he said, "a tin box hold- ing about a pound of fine confectionery was re- ceived at our residence, addressed to my mother, who was visiting at Poughkeepsie at the time. The name and address consisted of large letters clipped from a newspaper and pasted on the wrapper, and the box had been mailed at the General Post-Office. My sister received the parcel from the letter-carrier, and remarked, as she brought it in, 'How funny, that a box should come in such a way. I am almost afraid to open it.' I thought it a singularly shaped package and opened it, finding a mixture of candied limes, plums and cherries. 'That box,' I said, 'never came from the confectioner in that shape, and I turned over some of the fruit.'

MISS ALLEN NARROW ESCAPE.
"My sister was just on the point of putting a piece in her mouth when I discovered a peculiar look on its exterior as if it had been previously hand- d, and told her not to eat it and she dropped it. I took the box and its contents to our family physician, who burned some of the fruit on a knife-blade and concluded that it contained arsenic. Subsequently I took the box to a chemist, who made a thorough analysis of the confections and declared that Paris green was present in sufficient quantities to poison several persons."

Mr. Allen declared that he was at a loss to fasten his suspicion upon any person in particu- lar, as they were not aware of having an enemy who would deliberately poison his mother or other members of the family. He had a vague suspicion as to the guilty party, but he did not feel disposed to disclose it. His mother, as far as he was aware, had incurred the hostility of no one. He said that the ob- ject in offering the reward was not so much in hope of capturing the villain, as to show him that the family were cognizant of his deed. The old lady has been rendered quite ill by the in- cident, fearing that her life and that of her family was in danger. On the 6th of May Mr. Allen received the following letter, apparently printed on a small press:

A MYSTERIOUS LETTER.
For Jane Webb, Honeysuckle to Mr. J. R. Whiting, of Spuyten Duyn, N. Y.
I suppose you think your pal had got rid of me since, didn't you, sweet girl? But you slipped up again. You and him ran me hard, and it's my turn now. Take the *Johns* in yourself you got for Whiting. Ah! I see you got him, and well you may. I mean to expose you now and your right place will be on the street. I will give the story to the reporters. Listen! I know of your indiscretion with Johnny F---, and about you scheming to steal his little boy, and I know how you bragged of setting him against his mother-in-law, and of making him feel the old woman the house, which was a drier trick than even I did and rogan as I am, would do. I know how bad you wanted to be Mrs. W. Number Two. Don't I find the time you changed another old party, &c. &c. The story will be printed. If Whiting knew all I know he wouldn't let you fill his daughter's shoes. I will be away before the gods circulated, and you know if my name had been told. D. M.

The address on the envelope was also printed, and the letter was mailed at Station E, on Third avenue. "J. R. Whiting," said Mr. Allen, "is my brother-in-law, having married my sister eighteen years ago, but she died in 1882, leaving three children, the eldest being fifteen years and the youngest five. Mr. Whiting is worth about \$300,000. He was always affectionate to his wife and our family, but soon after my sister's death he promoted one of the servant girls in his household to be housekeeper. Her name is Jane Welch, the woman referred to in the letter. She was a most ignorant woman and very distasteful to all who came in contact with her. Vague rum- mors began to circulate, involving Mr. Whiting, and I called on and remonstrated with him, but he upheld his housekeeper and seemingly forgot his relation to us, so that the result was that he and his children have been estranged from us since last October."

Both Mrs. Allen and Mr. Whiting have also re- ceived copies of the mysterious letter, as also did several friends of the family. It is Mr. Allen's intention to place the matter in the hands of In- spector Byrne, who may possibly trace the mis- creant through Mr. Whiting's housekeeper.

by distortion of facts to and excite popular pre- the supposed interests tion."

They would gladly, exonerate this invest- gation but of the unre- and conclusions reached committee when party in- by an investigation com- they further say that in U that jury of intelligent money taken by the com- weight to the evidence, arrive at conclusions di- those submitted by the m- report "evidently ignore- garded the sworn testi- gent, trustworthy and rel County and gave full cre- statements of persons son to be destitute of char- others apparently too it and regard the obligation them."

A NEW TICKET
An Ohio Paper Thinks Sounds
(SPECIAL TO)
CLEVELAND, May 27.--I the forty-six Ohio dele- thirty votes. Arthur m complimentary votes, credited to Sherman. I been quietly growing in Sherman men have ap- him. The Cleveland J looked upon as rather says to-day:

"A new ticket prop Sherman. The greater either candidate name- man to occupy the se except in the probab ready several times tory of this coun President and th Vice-President to view of the weakness displayed in the select President the count- second place of the sounds well, and wor- fensible it would be broad, statesmanlike States could not take either at the head of shrewd politicians up in the part of the

GEN. HIA
The Connecticut C- ductor of Pr
(SPECIAL)
NEW HAVEN, May held a conversation train between Har- alive to the hour

0201

State of New York : ss:
City and County of New York :
I, the undersigned, being duly sworn, depose and say: -

That all of the statements contained
in the foregoing article of a libellous
nature concerning deponent are false
and untrue, and were published by
the said Augustus H. Allen as depo-

0202

FOR DEPOSITION.

news is informed by ^{Francis} ~~Frederick~~
P. Hastings whose affidavit is hereto
annexed.

Wherefore deponent prays that
a Warrant may issue against the
said Augustus A. Allen, and that
he may be dealt with as the law
directs.

Sworn to before me
this 13 day of June
1884

~~John Walsh~~
John Walsh

San Diego City Police Justice

0203

State of New York :
: SS:
City and County of New York.:

Francis
~~Frederick~~ P. Hastings being duly sworn deposes
and says,

That he is a Reporter on "The World", and that on
May 27th. 1884 he called at the office of Allen, Talmage and
Allen Number 320 Broadway, in response to the advertisement
offering a reward of \$100. for information about the box of
poisoned candy said to have been received by his mother.

That deponent saw Mr Horatio P. Allen, who referred
deponent, after a half hours conversation, to his son Augustus
H. Allen.

That Augustus H. Allen was not in his office at the
time, and deponent did not see him, until about eight o'clock
P. M. on said day, when he called upon deponent at the office
of The World, and that he then gave deponent for publication
the story which appeared in said paper on May 28th. 1884, and
showed and gave deponent for publication the anonymous printed
letter a copy of which is there printed. And that said letter
as printed differs from the original in that instead of the
words "I know of your indiscretion with Johnny F -----" said
original read "I know of you two nights with Johnny F -----
"behind the fence in Whiting's woods".

That said Augustus H. Allen then made the statement
to deponent, which appears in the foregoing affidavit of Jane
Walch in the newspaper slip, and that all the matters therein
set forth were given by to deponent by said Augustus H. Allen
for publication.

Sworn to before me
this 13 day of June 1884 *Francis P. Hastings*
San Francisco Police Justice

0205

Sec. 151.

Police Court

District.

CITY AND COUNTY }
OF NEW YORK, } ss

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York. GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Jane Walsh (Walsh) of No. Spruett Street, that on the 28th day of May 1884 at the City of New York, in the County of New York, Augustus H. Allen of No 153 4th Park Avenue N.Y.C., published and caused to be published a certain malicious publication in writing and printing in a newspaper known as The World published in said City, County and State of New York on said May 28th 1884, exposing complainant to hatred, contempt, ridicule, and obloquy, and tending to injure her in her business and occupation, and to cause her to be shunned & avoided. A copy thereof is hereto annexed;

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 5th DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 13th day of June 1884

Samuel C. Peiffer POLICE JUSTICE.

0206

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jane Macole

vs.

Augustus H. Allen
328. 73 Broadway
1534 Park Ave

Warrant-General.

Dated 188

Magistrate

Officer.

The Defendant *Augustus H. Allen*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

John Dwyer Officer.
Dated *June 13th* 1884

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest

June 13th 1884
Augustus H. Allen

Native of

United States

Age,

42

Sex

1534 Park Avenue

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

0207

People ex. rel. Jane Walsh
vs.
Augustus H. Allen.

It is hereby consented that
the examination in this case be
adjourned to Wednesday July 30th
1884. at 10 o'clock A. M.

Sullivan & Cronwell
For the People -
John L. Hill
for def't Allen.

0208

Sec. 198-200

CITY AND COUNTY
OF NEW YORK,

3rd

District Police Court.

Augustus H. Allen being duly examined before the under-
signed, according to law, on the annexed charge: and being informed that it is his right to
make a statement in relation to the charge against him; that the statement is designed to
enable him if he see fit to answer the charge and explain the facts alleged against him
that he is at liberty to waive making a statement, and that his waiver cannot be used
against him on the trial.

Question. What is your name?

Answer. *Augustus H. Allen*

Question. How old are you?

Answer. *47 Years*

Question. Where were you born?

Answer. *United States*

Question. Where do you live, and how long have you resided there?

Answer. *15 34 Park Ave.*

Question. What is your business or profession?

Answer. *Lawyer*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer.

I am not guilty
Aug H Allen

Taken before me this

day of

26

1884

Police Justice.

0209

Sullivan & Cromwell,

ALGERNON S. SULLIVAN.
WM. NELSON CROMWELL.
GEORGE H. SULLIVAN.
ISAAC CARRILLO.

Law Offices

Direct Building, Wall Street,

The People &c } New York May 12. 1886.
v. ³ } Libel.
H. Allen.

Hon R. B. Martine.

District Attorney &c.

Dear Sir:

You will recollect that I was
Counsel for Miss Walch, Complainant
herein, and that I showed to you a let-
ter, written by defendant to her, retract-
ing the libellous statements and
apologising therefor. The letter was
published in the papers used for the
original libel. Miss W. has autho-
rized me to say that she does not
desire now to further prosecute Mr Allen.

She has not agreed not to do so, and she is
ready to appear if you call for her so to do.

But if you, under the circumstances

0210

Sullivan & Cromwell,

ALGERNON S. SULLIVAN,
WM. NELSON CROMWELL,
GEORGE H. SULLIVAN,
ISAAC CARRILLO.

Law Offices

Orwell Building, Wall Street,

New York.

188

2/

of defendants' retraction,
do not think that the ends of
justice call for further pro-
secution of the indictment.
Miss W. is quite willing not
to have the matter again brought
into public Court proceedings.

I write my own judgment,
that, after so long a lapse of time
since the libel, and after the pub-
lic retraction, it is a proper
case for a District Attorney to
Noll: Pros: . This you can file
with the papers as my recom-
mendation.

Very Respectfully
Algernon S. Sullivan.

0211

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Augustus H. Allen

The Grand Jury of the City and County of New York, by this indictment, accuse

Augustus H. Allen
of the CRIME OF Libel,

committed as follows:

The said *Augustus H. Allen*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty-ninth day of May in the year of our Lord one thousand eight hundred and eighty four, at the Ward, City and County aforesaid, with force and arms, unlawfully

fully and maliciously did publish and cause and procure to be published, a certain false, malicious, scandalous and defamatory libel of his concerning one John Walsh, containing the false, malicious, scandalous, defamatory and libellous words and matters following, to wit:

For one John Walsh housekeeper to Mr.

J. R. Whitely of Springfield, Mass.

and for one John Walsh housekeeper to Mr.

I suppose you should not have said that

you did not like me, did you, sweet

girl? - But you said you were

up and down me, and

it is my turn now. Take the medicine

0212

upon - rather upon age than willingness. And
I see upon age more, and with upon more
I mean to expose upon now, and upon
night I see with me on the street. With
upon the story to Ray. Sister. I
know of upon two nights with upon
I... I think the house in White
wood, and about upon returning to
about his little story, and I know how
upon I caught of catching him against
his mother-in-law, and I noticed
him to take the old woman the house -
which was a dirty little man even.
Which and rope and I am, wouldn't
do. I know how that you wanted to
be the W. number two. Don't mind
the time upon I caught another old
story to... The story will be told.
The White House all I know, the
wouldn't let upon his daughter's
house. With the away that this
age circulated and upon know it
my name was upon the table.

Q. W.

My then and there immediately I know =
inquiry. I immediately did, I caught and he =
living the name to one Francis
P. Shattuck, under circumstances
which exposed it to be seen that the
name Francis P. Shattuck and I know

0213

where persons to the Grand Jury
said intention against the form of
the Statute in such case made and
provided, and against the peace of
the People of the State of New York
and their dignity.

Robert B. Owens

District Attorney