

0856

BOX:

291

FOLDER:

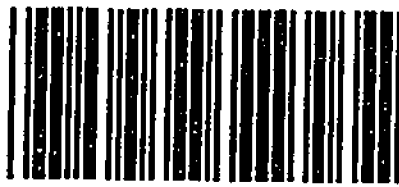
2778

DESCRIPTION:

Gaffey, Luke

DATE:

01/09/88



2778

POOR QUALITY ORIGINAL

0057

*70-
Decker Bros

Counsel,
Filed 9 day of Jan'y 1888
Pleads, *Maguire* (10)

THE PEOPLE
vs.
21
Grand Larceny, *1st* Degree.
[Sections 528, 529, 530, — Penal Code].
JOHN R. FELLOWS.
16 *1/3* *1/4*
RANDELL B. BARNETT,
1 Paul's "Hill" District Attorney.

A True Bill.

Amended
Foreman.
Jan'y 16/88
Glendon J. J.
for a 1st suspended
N.Y.

Witnesses:
Chas Schwab
Officer Ramsey

Court of General Sessions

The People
against
Luke Gaffey

This case should
not be adjourned;
the complainant is
a working man, who
has lost already five
days work &c.

Depositions.

Carl Schwab:

I live at No. 533 East 110th
Street, N.Y. I work in the jewel-
ry case factory of Koch & Pore
in Pearl Street, N.Y. On the
11th of December, 1887, between
nine and ten o'clock, P.M.,
I was walking along Allen Street,
towards Horstman Street, when,
between Broome and Delancy
Streets, the defendant came
running across the street,
from the other side, directly
towards me and, before I could
realize what happened, snatched
my watch and chain from
me. The watch was an old
silver watch, which had cost
me \$20 when I bought it, but
the present value of which I

do not know. I had the watch in my left vest pocket, and the chain was fastened to one of the button-holes of my vest. At the time I had both hands in my overcoat pockets. After the defendant had taken the watch etc. I halloed "thief!" and set out to pursue the defendant, but before I had run far, people said, that the thief had been caught. The watch and chain were found upon the prisoner and taken possession of by the police at the station house.

John Kerry (No 1): I am a patrolman, attached to the 41th precinct. On the 24th of December, 1887, ^{in the evening between 9 & 10} while I was on duty in Allen Street, I heard somebody halloo out "thief!" and saw the defendant run towards me. I stopped him on the corner of Delancey Street. He was running towards Houston St. When I asked him, what he got,

Some citizen said: He stole a watch. Thereupon I put my hands into his pocket and found a watch and chain there. The prisoner said that a man gave them to him. Then the complainant came up and identified the watch and chain as his property and the person as the man who ^{had} taken them from him.

Edward Grosse
S. J. S.

POOR QUALITY
ORIGINAL

0061

General Session

People

v.
Gaffey.

Depositions

John. G. Moore
D. H. H.

See note in book

POOR QUALITY
ORIGINAL

0052

Police Court—3rd District.

Affidavit—Larceny.

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

Charles Schmale

of No. 538 Sixth Street, aged 49 years,

occupation Jewelry Case Maker being duly sworn

deposes and says, that on the 21 day of December 1887 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession ~~and~~
person of deponent, in the ~~first~~ time, the following property viz:

One Silver Watch & plated Chain
attached of the value of
five dollars

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Luke Gaffey (now here)

from the fact that at the hour
of about 10 o'clock in the night
of the 21st day of December 1887
deponent was walking along
Allen Street when deponent had
said watch attached to said
Chain in the left hand pocket of
the vest then worn upon deponent's
person. That said defendant
came up to deponent, snatched
said watch & Chain from deponent
person and ran away.
Deponent gave an alarm
and said defendant was

Report to before me, this
day
1887
Police Justice.

POOR QUALITY
ORIGINAL

0063

was caught by officer John Keeney
of the 11th Precinct Police who
found a deponent's watch & chain
in the possession of said defendant

Sworn to before me this 22nd day of Decr 1887
R. A. Brown
P. J. [Signature]

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 1887
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1887
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1887
Police Justice.

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
1	2
3	4
Dated 1887	
Magistrate.	
Officer.	
Clerk.	
Witness,	No.
Street,	No.
Street,	No.
Street,	No.
to answer	Sessions.

POOR QUALITY
ORIGINAL

0064

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Luke Gaffey being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *h* right to
make a statement in relation to the charge against *h*; that the statement is designed to
enable *h* if he see fit to answer the charge and explain the facts alleged against *h*
that he is at liberty to waive making a statement, and that *h* waiver cannot be used
against *h* on the trial.

Question. What is your name.

Answer. *Luke Gaffey*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *113 Matt Street 4 years*

Question. What is your business or profession?

Answer. *Telegraph Messenger.*

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*

Luke Gaffey

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0065

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

Police Court-- 3 2119
District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Amely Schuyler
538 6th Street

1 with Haffey

2

3

4

Dated *Dec 22* 1887

Haffey Magistrate.

John Henry W. 11 Officer.

Witnesses Precinct.

Witnesses Street.

Witnesses Street.

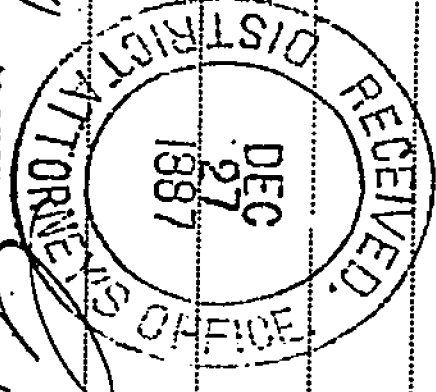
Witnesses Street.

Witnesses Street.

Witnesses Street.

Witnesses Street.

Witnesses Street.



Offence *Larceny*
from person

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 *five* 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 *Dec 22* 1887 *H. Haffey* 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0066

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Simeon F. Feltner

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

Simeon F. Feltner

of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

Simeon F. Feltner

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *Twenty-first* day of *December*, in the year of our Lord one thousand eight hundred and eighty-seven, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms,

one watch of the value
of five dollars, and one chain of
the value of fifty cents,

of the goods, chattels and personal property of one *Charles Schmal,*
on the person of the said *Charles Schmal,*
then and there being found, from the person of the said *Charles Schmal,*
then and there feloniously did steal, take and carry away, against the form of the statute in such case made
and provided, and against the peace of the People of the State of New York and their dignity.

John R. Kellum,
Attorney

0867

BOX:

291

FOLDER:

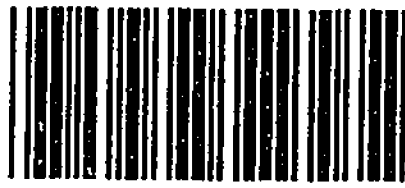
2778

DESCRIPTION:

Gallagher, Bernard

DATE:

01/25/88



2778

POOR QUALITY
ORIGINAL

0060

3314

WITNESSES:

Officer Banks

Counsel,

Filed 25 day of Jan'y, 1888

Pleads

Guilty

THE PEOPLE,

vs.

B

Bernard Gallagher

Violation of Excise Law.

(Selling on Sunday, etc.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and
page 1989, Sec. 5.]

-1928 JOHN R. FELLOWS.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Comdt. D. R.

Foreman.

*Feb'y 29th 3.
Complaint sent to Special Sessions*

POOR QUALITY
ORIGINAL

0059

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs

against

Bernard Gallagher

Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *twenty-second* day of *January* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

George Banks

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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 defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

John R. Bellows
~~RANDOLPH B. MARTINE,~~

District Attorney.

0070

BOX:

291

FOLDER:

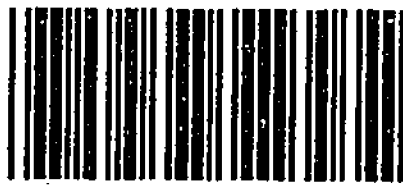
2778

DESCRIPTION:

Gibson, John J.

DATE:

01/03/88



2778

0071

BOX:

291

FOLDER:

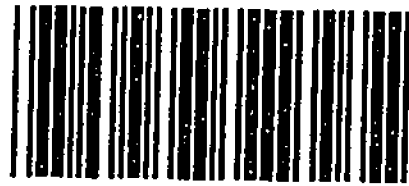
2778

DESCRIPTION:

Leonard, Nellie

DATE:

01/03/88



2778

POOR QUALITY
ORIGINAL

0072

Court of General Sessions

The People of the State of
New York Respondents

against

John J. Lubson
Appellant

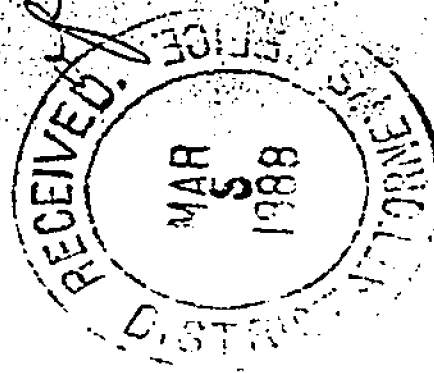
Proposed Case on Appeal

by D. Weaver

att'y for App't.

Peter Mitchell

of Counsel



At a General Term of the Supreme Court
of the State of New York held in and for the
First Judicial Department, at the
County Court House in the City of New
York on the 28th day of January 1879

Present

Hon. Charles N. Van Bunt

C. J.

" John R. Brady

" Francis A. Macomber

J. J.

The People of the State
of New York

Respondents

vs.

John J. Gibson

Appellant

This appeal having been heretofore on the
day of November 1888 brought on for
argument, and after hearing Peter Mitchell
of counsel for defendant, appellant, and
McKenzie Temple Esq. Assistant District
Attorney for the People, respondents, and the
Court having deliberated thereon

It is Ordered and Adjudged that the judgment
of conviction in the above entitled action
be reversed, and that said defendant John
J. Gibson have a new trial which is hereby

Ordered And

It is further Ordered that the proceedings
herein be, and the same are hereby remitted to
the Court of General Sessions of the Peace in
and for the City and County of New York
J. P. L.

A. Copy

Edward Thiller
Clerk

N. Y. Supreme Court
General Term

The People of the

State of New York

vs.

-vs.-

John F. Gibson

appell.

General Term Order
of removal

Peter Mitchell

Att. for appell.

282 Broadway

filed March 29, 1889.

POOR QUALITY
ORIGINAL

0075

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 J. Filderson
and *Nellie Leonard*

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

John J. Filderson and Nellie Leonard
of the CRIME OF ABDUCTION, committed as follows:

The said *John J. Filderson*, —

late of the City of New York, in the County of New York aforesaid, on the
sixteenth day of *November*, in the year of our Lord one

thousand eight hundred and eighty-*seven*, at the City and County aforesaid, did

feloniously take, receive, ^{and} harbor, employ and use one *Emma Roschke*
who was then and there a female under the age of sixteen years, to-wit: of the age of

seven — years, for the purpose of sexual intercourse, he, the
said *John J. Filderson* not being then and there
the husband of the said *Emma Roschke*, —

~~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.~~

~~RANDOLPH B. MARTINE,~~

~~District Attorney.~~

And the said *Nellie Leonard*, late
of the same place, then and there
feloniously was concerned in the
commission of the felony and abduction
in manner and form aforesaid, and then
and there feloniously did cause and
procure, aid and assist in the
said *John J. Filderson*, her the said *Emma
Roschke*, in manner and form aforesaid then
and there feloniously to take, receive and
harbor for the purpose aforesaid, she the
said *Nellie Leonard* then and there well

POOR QUALITY
ORIGINAL

0076

Annexed the premises and that the
said Anna Roseboro was under the
age of sixteen years and that the
said John J. Gibson was not
her husband; 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

John J. Gibson

Defendant

District Attorney's Office.

PEOPLE

vs.

John J. Gibson

Defendant

argued the appeal in
this case at the time

from the families

with its status and

presented and, Mr.

Wray concerning, I

Admiral and recommend

the defendant Gibson

be discharged on his

own recognizance.

8 April 1869

McKingsburgh

Asst Dist Atty

7-1

Arrested & Mailed #5 Notices
1888
Counsel
Filed day of Jan 1888
Pleads, 1. Allegedly 1871

THE PEOPLE

vs.

John J. Gibson

Mellie Leonard

ABDUCTION.
[Section 282, Sub. 1, Penal Code.]

JOHN R. FELLOWS
RANDED
Attorney

A TRUE BILL.

April 11 1871

John J. Gibson

Jan 11 1871

Chas. J. Macdonald

Indict suspended

July 15 1888

Chas. J. Macdonald

July 15 1888

Bail fixed at \$300
Paid

Witnesses:

E. J. Carr

Emma Roseboro

Mrs. Roseboro

Lawrence D. P.

No. 1.

Spent 1/2 of 1871

S. J. F. F. F. F.

Feb 9/88

Disrespectfully advise sus

pension of judgment on

Mellie Leonard who had

been an witness for the People

on the trial of Gibson

July 15 1888

President

Myself

Lawrence

Macdonald

Repets

POOR QUALITY ORIGINAL

0077

Annexed the premises and that the said Emma Boskone was under the age of sixteen years and that the said John J. Gibson was her husband, 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

John J. Gibson

Defendant

Attorney's Office.

PEOPLE

vs.

J. Gibson

Defendant

The affiant in

re at the time

the defendant

is a student and

is a student, Mr.

concerning: I

and recommend

student but

largest in his

any other

1869

any other

at that time

Arrested at 10:30
#5 Notarized M.
1888
Counsel
day of Jan'y 1888
Filed
Pleads
1888

1888

1888

THE PEOPLE

vs.

John J. Gibson

and

Nellie Leonard

ABDUCTION.
[Section 282, Sub. 1, Penal Code.]

JOHN R. FELLOWS
RANNEY & FELLOWS
Attorneys

A TRUE BILL.

1888

1888

1888

1888

1888

1888

Bail fixed at \$300

Witnesses:

E. J. Carr

Emma Boskone

Mrs. Boskone

Jan'y 20th

No. 1.

Speed & Service

S. P. True & Sons

Feb'y 9/88

Respectfully advise

renewal of judgment on

Nellie Leonard who has

been a witness for the People

in the trial of Gibson

July 15, 1888

Whitely Thayer

President

NYSPCC

Lawrence

Adm'down

Deputy

**POOR QUALITY
ORIGINAL**

0078

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

The People
Respondent,
against
John J. Gibson,
Appellant.

AMENDMENTS TO THE CASE ON APPEAL
PROPOSED BY THE PEOPLE.

1. Amend the caption so as to read:-

The People of
the State of New York
vs.
John J. Gibson
(impleaded with Nellie Leonard.)

2. Insert in same page twelfth line from top of page after the word "Gibson," the words, "and Nellie Leonard"
3. Insert in thirteenth line from top of same page after the word "trial" the words "and the said Nellie Leonard having thereupon pleaded guilty to said offence as charged in said indictment"
4. Insert page 7 1-2 line 13, after the word "afternoon," the words "I did not know anybody else there at that station besides Mr. Marshall. The gateman was outside. My father at that time was working on the Pennsylvania Railroad. He was

**POOR QUALITY
ORIGINAL**

0079

LA VAD BOB EHN CIRA VAD CORNELIA ON MEM AODK
CORRE OF GENERAL SECRETAR OF THE SEVCE

gatemanager at that station on the Elevated road at the same time that Marshall was ticket agent. He was not gateman at the time I went that day to see Mr. Marshall."

(See Stenogram pages 13, 14)

5. Insert page 8 1-2 line 1, after "street" the words, "We went to see Mr. Gibson Wednesday the next day, about half past 8 o'clock. When we went into the house we went away into the back hall on the top floor. Neither I nor Nellie knew where he lived."

(See Stenogram pages 18, 19)

6. Insert page 9 after line 5, "We left at half past 9. I lived in Waverley Place near 10th Street. We walked there. It generally takes us ten minutes to walk that far. Nellie and Mr. Gibson went to bed together. The light was turned down very low. It was quite bright, almost as bright as though it had not been down. I seen him turn it up a little but the room was very bright. I was sitting over in the corner. It is a large room. Nellie and Mr. Gibson went to bed together. They took off their clothes, all except her shirt. They were in bed ten minutes. This took place ten minutes before 9. About 20 minutes past 9 we stayed, - that is the time, 20 minutes past 9. I have no nurse in my family. Nellie did not want me to take off her clothes. He had a shirt coming down to his knees. I have twice spoke to my mother about this case, and to my father. He asked me a number of questions, and I told him all about it. Gibson tried to put his hand up my clothes before he commenced to go

**POOR QUALITY
ORIGINAL**

0000

time I went first day to see Mr. Gibson. He was not located at the
office of the station on the elevated road at the time I was
to bed. He got on top of me when I was lying alongside of
the bed. I never saw Mr. Gibson before the first time I
was at his house. Nellie asked me to go there. That first
time Gibson gave me some money, the next time I was there a
dollar, and I gave Nellie 50 cents. My father formerly work-
ed on the Elevated road as a gateman. He is working now on
the Pennsylvania Road. I do not know how long he was ticket
agent there, or why he left there."

(See Stenogram, pages 22 to 30)

7. Insert page 10 after line 6, the words, "It was about 4 or
half past 4 of the time of day."

(See Stenogram, page 31)

8. Insert page 10 after line 23, "I went to see Mr. Gibson be-
cause he wrote to our house in the country in the summer time,
and invited me up to the city. My folks got the letter, and
they destroyed the letters so as I would not see them, but
they kept them and gave them to Anthony Comstock. I know
Mr. Gibson's handwriting, and went to see him because I had
gotten that letter."

(See Stenogram, page 34)

9. Insert page 12 after line 21, "I first met Mr. Gibson at a
skating rink. I had never met him until then. I told him
where I lived; he wanted to know. It was about four years
ago. Mr. Gibson wrote letters to me, and in those letters
invited me to call on him. He told me his address. I had
not had any letters from him only when he lived in 52 West

**POOR QUALITY
ORIGINAL**

00001

the day. I never saw Mr. Gibson before the time I
to day. He got on top of the shed I was taking photographs of

14 Street, and naturally I went there. I did not find him
there. I inquired where he was. Between the date of this
letter and the time of my coming to New York from Summit was
between 3 and 4 years.

(See Stenogram, page 37)

10. Insert page 13, after line 10, "The lady at 14th Street gave
me 101 West 21st Street, and that is where I found Mr. Gibson?"

(See Stenogram, page 38)

11. Insert page 21 at the bottom of the page, "During the time of
Nellie Leonard's stay at my house and before that Emma's be-
havior had been excellent. I had full confidence in her
behavior at all times."

(See Stenogram, page 50)

12. Insert page 49 after line 5, "I do not remember residing in
25th Street in this City between 7th and 8th Avenues, previ-
ous to 1884. I do not remember rooming with a man named
W. J. Peterman there. I could not state positively whether
I have ever lived in 25th Street between 7th and 8th Avenues
in this city."

(See Stenogram, page 78)

13. Insert page 77 after line 21, "I know Gibson's reputation is
bad from confessions of girls made in my office. They used
to overrun my office day and night, seeking Mr. Gibson - Mr.
Gibson was the inducement - inquiring for him."

(See Stenogram, page 122)

**POOR QUALITY
ORIGINAL**

0002

14. Strike out on page 36, lines 6 to 16.

As this portion of the case shews upon its face that the evidence so inserted was struck out on the trial on motion of the prisoner, it is difficult to see why that motion being granted, the part so struck out should form any part of the case.

Page 36 - 16

Page 36

Page 36

Page 36

Page 36

Page 36

Page 36

Page 36

Page 36

POOR QUALITY
ORIGINAL

0003

Court of General Sessions

The People
against

John J. Gibson
impeached with
Mellie Leonard.

Proposed Amendments
by The People to the Case
on appeal

POOR QUALITY
ORIGINAL

0004

EDWIN H. RISLEY,
WILLIAM P. QUIN,
JOSIAH PERRY.

LAW OFFICES OF
RISLEY, QUIN & PERRY,
HERALD BUILDING,

Utica, N. Y., Aug. 23, 1887.

Hon. R. B. Martine, 2.

ors in these matters and make the request contained in this letter relying upon the continuance of your kindness and courtesy.

Yours truly,

William P. Quin

POOR QUALITY
ORIGINAL

0005

THE UNIVERSITY OF
CHICAGO PRESS
CHICAGO, ILL.

Vol. 38, 1948

People

or

Kempster

Also

W. B. R. Martin, S.

to in these matters and make the request contained in this letter
to which upon the confidence of your kindness and courtesy.

Yours truly,

General Session of the Peace

The People of the
State of New York

vs.
John J. Gibson

Take notice that a motion will be
made in Part 2 of this Court on the 2nd
day of April 1889 at 11 o'clock a.m. for an
order discharging this defendant, or holding
him to bail, ~~or~~ in default thereof setting
his trial ^{down} for an early day in this Court
Ct. 4 April 1st 1889

Yours &c
Peter Mitchell
Atty. for Deft.
250 Broadway

McKungie Sample Esq.
Acting District Atty.

POOR QUALITY
ORIGINAL

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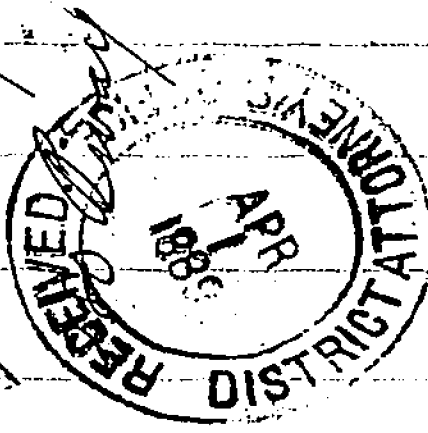
Chas. J. Givens
vs.
The People &c

John J. Givens

Notice of Motion

Chas. J. Givens

vs. The People



To
Chas. J. Givens Esq.
Acting Dist. Atty.

**POOR QUALITY
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COURT OF GENERAL SESSIONS OF THE PEACE
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

The People
v.
John J. Gibson.

BRIEF FOR THE PEOPLE.

STATEMENT OF THE CASE.

The prisoner, who is 38 years old and resides at 101 West 21 Street, is indicted under § 282 of the Penal Code for taking, receiving, using &c. Emma Roshore, a girl 11 years old, at the premises 101 West 21 Street, for the purpose of sexual intercourse. The facts of the case are briefly these.

In the month of October last, a girl named Nellie Leonard, 18 years old, came to New York from Summit, New Jersey, where she resided with her mother and stepfather. This Nellie Leonard was not a girl of previous good character; had previously known the prisoner and had had connection with him; and having had some quarrel with her mother and stepfather came to New York to seek employment. She called on one James Marshall, who is a ticket seller at the 8th Street down-town station of the Sixth Avenue Elevated R. R. She told him that she wanted a place to board, and on his stating that he did not know of any place, insisted on his finding her one. Just at that time Emma Roshore, a little girl 11 years of age, whose father Abram Roshore was gateman at the station, came by the office, and Marshall told her to take Nellie to her mother and see if she would let her remain there until she (Nellie) could find a place. Accordingly she took Nellie home, and her mother Mrs. Lydia Roshore, liking the appearance of Nellie, allowed her to remain with her until she could

**POOR QUALITY
ORIGINAL**

00009

find employment. Nellie meanwhile assisted Mrs. Roshore in keeping the house, Mrs. Roshore living with her husband and having a family of five children.

On ~~Nov~~ember 16, Nellie and Emma went out for a walk, and Nellie induced Emma to go with her first to 52 West 14 Street to see if Gibson still lived there as he had several years ago. On proceeding there they learned that Gibson lived at 101 West 21 Street. Nellie and Emma then called on Gibson at his rooms. On arriving at the rooms Nellie and Gibson undressed themselves, got into bed, and had sexual intercourse together in the presence of Emma. After he had finished he came over to Emma, put his hand on her person, and asked if she would not like to get into bed with him and have connection with him, and she refused. He then gave Nellie and Emma some candy and grapes. When Marshall learned, as he did subsequently, of the visit of Nellie and Emma to Gibson at 101 West 21 Street, he called the attention of Mrs. Roshore to the matter, and this resulted in Emma's giving an account of the entire proceedings, and thereupon both Nellie and Gibson were arrested. Upon her arrest Nellie confessed the entire story, corroborating the previous story given by Emma as to what had occurred.

This case is one of too many coming to the notice of the Society for the Prevention of Cruelty to Children, where men deliberately after seducing very young girls under the age of 16 years, use them as procuresses for the purpose of obtaining fresh victims, and the older girls thus fallen when they obtain possession of a very young girl take her with them to these men, by degrees accustom her to acts of lewdness, and eventually when she comes to be old enough her ruin is accomplished and she becomes a

**POOR QUALITY
ORIGINAL**

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3

prostitute. This case is a striking illustration of this class of crime.

The Grand Jury promptly indicted Gibson, as above stated, on January 3, 1888.

EVIDENCE FOR THE PEOPLE.

EMMA ROSHORE. - Is 11 years old, and resides with her father Abram Roshore and her mother Lydia Roshore, at 181 Waverley Place. Her father is gateman on the Elevated Railroad, 8th Street Station. She knows James Marshall who is the ticket seller at the 8th Street down-town station of the Sixth Avenue Elevated R. R., where her father is gateman. Also knows Nellie Leonard (will identify her.) One day about the end of October she was at the station, and James Marshall the ticket seller, asked her to take Nellie to her mother and see if her mother would not let Nellie stay with them until she could get a place. Witness went with Nellie to her mother, and Nellie remained in the house, and used to help her mother around the house during the whole of the following month. About the 16th of November witness took a walk with Nellie, and Nellie first took witness down to 52 West 14 Street to see whether Gibson the prisoner still lived there, and then, finding that he had moved to 101 West 21 Street, they proceeded there and saw the prisoner. While there prisoner asked them to lie down on the bed. They did so. Then he took out his penis, pulled up witness' clothes and pulled down her drawers, got on top of her and tried to have connexion with her. She remonstrated and Nellie Leonard also told him to stop. He then got off her, got on top of Nellie Leonard and had sexual intercourse with the latter. Then after

**POOR QUALITY
ORIGINAL**

0091

PROSECUTION: JURY CASE IS A SPEAKING REPRESENTATION OF THIS CASE

Gibson got through he came over to witness, attempted to put his hand on her private parts, and then asked her if she would not like to get into bed with him and have connection with him, and she refused. Gibson then gave Nellie and witness some candy and grapes. Later than this, about the 2nd of December, Nellie again took Emma to Gibson, and he gave them some refreshments and had some conversation with them, but that was all. On Sunday, November 27, 1887, Gibson met Emma coming from Sunday school in the afternoon near her house, and stopped and talked with her and her sister Lydia aged nine and a girl named Alice Kelly aged twelve who resides at 135 McDougal Street. He called witness to him and induced her with the other two girls to go to his room. They went and he gave them grapes &c. and tried to get witness on his knee. He did not attempt to do anything to the other children.

MRS. LYDIA ROSHORE. - Resides with her husband and five children at 181 Waverley Place. Is the mother of the last witness Emma Roshore; knows her age to be 11 years, and will state when she was born;

About the end of October her daughter Emma came to her with the girl Nellie Leonard, stating what Mr. Marshall had said, and she thereupon received Nellie into the house until she could obtain employment, the girl being very modest in appearance and ready to help Mrs. Roshore in her housework. She seemed to be a good religious girl and said her prayers every night. She charged her no board, and allowed her to be with Emma, supposing that she was all right.

On the 7th or 8th of November Mrs. Roshore went to Boston to attend the funeral of a relative, and was gone three or four days.

**POOR QUALITY
ORIGINAL**

0092

She left Nellie in charge of the house, and Nellie took good care of the children and house in her absence. Nellie used to attend Sunday school and church, was very lady-like in her conduct, and witness had the utmost confidence in her. Nellie and Emma used to go out together, and witness had no suspicion of anything wrong about Nellie and no fear of placing Emma in her custody. Nellie remained with witness until December 6th, when she got a place at service with a Mrs. Downing at 125 West 4th Street, and left witness on that day. Witness did not know that Nellie and Emma had visited the place in question until after Nellie had left, and then she learned of it through Mr. James Marshall. She then questioned the child and in consequence of what she stated took her to court with her husband and caused the arrest of the prisoner.

ABRAM ROSHORE. - Resides at 181 Waverley Place; is gateman in the employment of the Sixth Avenue Elevated R. R., down town track, 8th Street Station. Knows James Marshall, who is the ticket seller there; has known him for a long time. Knows also that his daughter Emma has been in the habit of coming there to the station, and that she knows Marshall. Supports his family, and is a hard-working man. On learning of the facts from his wife, with her took the child to court and made the complaint against the prisoner.

JAMES MARSHALL. - Is ticket seller at the 8th Street downtown station of the Sixth Avenue Elevated R. R. First became acquainted with Nellie Leonard some three years ago through her mother who used to wash for him. At that time the mother used to drink and the stepfather used to ill-treat the child. Soon

**POOR QUALITY
ORIGINAL**

00893

6

after that the family moved to Summit Hill, New Jersey. From that time up to the time of Nellie's returning to the City, she visited him some six or seven times. When she came to the City to do shopping she used to call and see him on her way home. Some time in the latter part of October Nellie called upon him and said she had come to the City to stay two or three days, and asked if he knew of a boarding house where she could go. He replied that he did not know of any, and then Emma Roshore came up. He knew Emma as her father was gate keeper at the same station, and he asked her if she thought her mother would take Nellie, and she said "I guess so;" and Nellie thereupon went with Emma. A few days after Mr. Roshore called on witness and said "his wife was well pleased with Nellie; that she seemed to be religious as she used to pray every night before retiring; that Mrs. Roshore was not then feeling very well, and Nellie was going to stop with them for a while and help Mrs. Roshore with the work and with the children." One day Nellie Leonard came to witness and asked him to send a letter for her, which he said he would do. After she had gone, witness looked at the address, which was 225 Greenwich Avenue; witness knew this place to be a house of assignation; the note was addressed to the Madam, and was sent to make an appointment for Nellie with some man for the purpose of sexual intercourse. This was the first witness knew of anything wrong about Nellie. A day or two after another girl by the name of Nellie Miner came to see him, and said she had seen Nellie Leonard in company with a little girl visit Gibson in his rooms in 21 Street. Witness told her that if she would go and ask Gibson if it was so, he would pay her for her trouble. Subsequently Nellie Miner saw Gibson, and he told her that Nellie Leonard and Emma Roshore had

visited him in his rooms and that he had sexual intercourse with Nellie in the presence of Emma Roshore. Witness then said to Nellie Miner, "I will have Gibson arrested." Witness went and saw Mr. Roshore, but the latter did not want to have Gibson arrested for fear it would get into the papers. Finally witness said he would see a lawyer in the matter, and under his advice Mr. Roshore had Gibson arrested.

ELINOR LEONARD. - Is 13 years of age and is now in the House of Mercy. Witness formerly lived in New York City and knew John J. Gibson and had known him for a long time. She had visited Gibson previously and had sexual intercourse with him. In the month of October last she was living with her mother and stepfather near Summit, New Jersey, and as she and her stepfather could not agree she came to New York City to seek employment. On her arrival she called on James Marshall, who is ticket seller at the 8th Street down-town station of the Sixth Avenue Elevated R. R. She found him there and told him that she wanted some place to board. Had known him previously for some time. Marshall said he did not know of any place, and she said he must find her a place. Just then Emma Roshore came up to the ticket office, and Marshall told her to take Nellie to her mother and see if she would not allow her to stay with her; and witness then went with Emma to Mrs. Roshore at 181 Waverley Place, and Mrs. Roshore allowed her to remain with her until she could get employment. Witness used to help Mrs. Roshore about the house and in the care of the children. On the 16th of November, 1887, witness took Emma out for a walk, and they first went to 52 West 14 Street to see whether Gibson still lived there, as that was his former residence several years

**POOR QUALITY
ORIGINAL**

0095

8

ago, when witness in company with a girl named Mary Miles otherwise called Mary Wall, used to visit Gibson and have sexual intercourse with him. On calling at the house witness was informed by a dressmaker that Gibson had removed to 101 West 21 Street, and she and Emma immediately went up there and saw Gibson. They arrived there about 8 P.M. and remained there for about one and three quarter hours. After being there about one hour, at the solicitation of Gibson, Nellie and Emma laid down on the bed. Gibson took his penis out and got on top of Emma. He pulled up her dress, and pulled down her drawers, and proceeded to insert his penis into the private parts of Emma. Nellie remonstrated with Gibson, but he pushed her away. He said he only wanted to press his penis against the private parts of Emma. He then put his penis on to Emma's private parts, when Nellie again interfered, telling Gibson if he did not stop that she and Emma would get up and leave, - besides she would scream out. Gibson stopped trying to enter Emma, and got on top of Nellie and had sexual intercourse with her. Nellie had her cloak and dress off. Emma did not take off her dress. The girls arrived home about 10 P.M. On or about the 23rd of November Nellie and Emma again visited Gibson in his room at about 8 P.M. Nellie had sexual intercourse with Gibson in the presence of Emma but he did not again attempt to assault Emma.

Witness remained with Mrs. Roshore until December 6th when she got a situation at service with Mrs. Downing, and she left Mrs. Roshore on that day. When she was arrested witness then confessed the entire matter to the Judge.

**POOR QUALITY
ORIGINAL**

0096

MINNIE KENYON. - Resides at 101 West 21 Street, in the same house as the prisoner and has a room nearly adjoining his. Is a button-hole maker. Has repeatedly seen young girls go in and out of his room, in his company, about the time in question. Prisoner's general character is bad.

LAWRENCE CARROLL. - Is a photographer, at 101 West 21 Street, and has his office on the same floor as Gibson's room. About the time mentioned has repeatedly seen young girls go in and out of Gibson's room. Knows his general character to be bad.

(2)

C. D. WEAVER. - Is an attorney and counsellor-at-law, at 233 Broadway, room 12. Came to this City from near Syracuse last January and lived with Gibson at 101 West 21 Street, from that time until last June. Gibson used to tell him about his exploits with young girls, - so much so, that witness got afraid and left him on that account. He has slept there with Gibson six or seven times since he left. Gibson told witness about two sisters of 14 and 16 years who were in the habit of visiting him, and he got them both in the family way. Gibson used to have other girls come there. Witness knew some of them by sight but not by name. Recently, in reference to these girls Nellie and Emma, Gibson told witness that he had both of them in bed with him on the 16th of November last, Nellie in front and Emma behind; that he then got on top of Nellie and had sexual intercourse with her, and then attempted to have sexual intercourse with Emma but her private parts were too small. The next Sunday or the following Sunday, two other girls came to visit him at his room, and he attempted to have sexual intercourse with one of them, he sitting on a chair and she sitting astride of his lap. A girl by the name of Julia Bowman used to visit Gibson in his room; she was about 18 years of age; Gibson seduced her when only 15 years old, and she had a pair of twins by him. She now lives in this City, and witness has seen her. Gibson has lived in St. Louis, Galveston and Boston. He was obliged to leave St. Louis and Galveston on account of his misconduct with young girls. For the past four years he has been employed as collector by the United States Collecting Agency, 318 Broadway. In 1884 Gibson was arrested on a charge of forgery, but the complaint was not sustained.

Rebuttal

L. UNDERHILL. - Resides at 153 West 63 Street; is employed as book-keeper at 174 Fifth Avenue. Knew Gibson in 1884 when he used to live at 737 Broadway; he used there to have girls visit him in his room, and on one occasion enticed a young girl who was a friend of witness, into his room, and but for the interference of witness, Gibson would have ruined her. Gibson was at one time employed by a cotton broker in William Street, and while there a charge of forgery was made against him, which however fell through.

Rebuttal

DR. MORRIS. - Resides at 343 Sixth Avenue. Knows Gibson; knows that he was in the habit of taking young girls 12 to 14 years old into his room for improper purposes. Gibson himself has admitted this to the Doctor. Gibson's general character is bad.

Rebuttal

DR. H. J. DESAXE. - Dentist at 52 West 14 Street. Knew Gibson two years ago when he had a furnished room on the top floor of these premises. Knows that young girls both day and night used to be going up to Gibson's room, and often they used to inquire of him where Gibson's room was. On one occasion witness called into his office two girls who had come down from Gibson's room, and in reply to his questions they informed him that they used to visit Gibson for the purpose of sexual intercourse. Witness complained to the landlords, Frankfield & Cohen, and they dispossessed Gibson.

**POOR QUALITY
ORIGINAL**

0899

10

THE PRISONER'S OWN HISTORY OF HIMSELF

6-10-2
as stated by him under oath in an examination taken Jany. 24, 1884, in a suit brought in the Supreme Court, Kings Co., by him against one Felix J. Duffy, is as follows:-

I have been living at 737 Broadway about six months. It is a business building and I use the two rooms for sleeping apartments, and board in restaurants. Am not married and never have been. Previously I lived at 65 West 33 St., New York City. That was composed of offices, and I had one room where I slept. I had just rented this place a week before the arrest. Previous to that I lived in Pearl St. near Broadway, dont remember the number, dont know the owner of the building, it was an office building, I dont know whether there were offices positively. My room was on the 3rd floor. I dont remember the names of any of the other occupants. I really dont know whether it was a private house. I dont remember to whom I paid the rent, have receipts. I lived there in one room about four months. Previous to that I had a room No. 8 Clinton Place and was there about two years, this was a building used as a restaurant, club room and I think on the upper floors there were some private families. Previous to that I think I lived in 25th St., dont know the number, it was between 7 and 8 Avenues, a private residence. I roomed with a man by the name W. J. Peterman, he resides in New York City is druggist. I dont remember the length of time I was there. Dont remember about how long I was there. I was on Fourth Avenue, at the Fourth Avenue Hotel a while, dont remember when this was, or how long I was there. I lived in 32nd St. between Lexington and Fourth Avenues at a private house kept by a Mrs. Brown. Dont remember how long I lived there or what year I lived there. I lived at a private

**POOR QUALITY
ORIGINAL**

0900

11

residence on 27th St., I think kept by Union Adams who keeps a gents furnishing store.

These are the only places that I remember now of having lived in. I came first to New York to live from 6 to 8 years ago. I came from St. Louis. I had lived in St. Louis about three years. I was a cotton broker there. Previous to that I lived in Galveston, Texas, was there in cotton business, two or three years. Previous to that I lived in Memphis, Tenn., was there in same business about fifteen years. I also did business for one season at Atlanta, Georgia. When I came to New York first I located in business at 99 Pearl and 62 Stone Sts., and I dont remember how long I was there. I then went to St. Louis where I remained two or three years. I then returned to N. Y. and opened offices at 115 Pearl St., dont remember how long I was there; then went to 118 Pearl St., where I had desk room and remained there until I removed to 116 Pearl St., 3rd or 4th floor, where I leased the whole floor and stayed there about ten months and turned the lease over to a man by the name S. B. Beavens a cotton broker. I stayed here having a desk room to within ten days about of my arrest when I was permitted to use as my head quarters the office of Louis Beckhardt No. 318 Broadway. I make my headquarters here now. I kept books during the time I was in business. I have not got any of the books now. I destroyed them since the arrest, previous to that I kept memorandums of everything. I dont know of any memoranda pertaining to my business except old checks. Since I came to New York I had a branch office in Boston part of the time 55 Kilby St., and went in the conduct of my business between New York and Boston. I kept no bank account anywhere in New York. I had a bank account in my own name at the Maverick National Bank,

**POOR QUALITY
ORIGINAL**

0901

12

Boston, had a small amount to my credit sufficient to keep account opened, had not done any business with the bank for several months at the time of my arrest. I had no assignments of cotton, it was the close of the season. Besides the account at the Mavirick Bank I had no money in bank. I never had a bank account in New York City. I have done business with A. R. Burdett at Marion, Ga., C. T. Witherspoon of St. Louis, Biemer, Stock & Treber of St. Louis during the year preceding my arrest, and also with others whose names I cannot give you now. I sold cotton to C. W. Crosby Son & Co., E. R. Robinson & Sons and others through brokers whose names I dont know, during the year before my arrest. I cant give the names of any brokers with whom I dealt just now. The lawyer who appeared for me was Louis Keutzler on Canal St., New York.

POOR QUALITY
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N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

John J. Gibson

Abdullah
PENAL CODE, § 282

BRIEF FOR THE PEOPLE.

POOR QUALITY
ORIGINAL

0903

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

Left by me
District Police Court.

1898
Elvior Leonard being duly examined before the under-
signed, according to law, on the annexed charge: and being informed that it is *her* right to
make a statement in relation to the charge against *her*; that the statement is designed to
enable *her* if *he* see fit to answer the charge and explain the facts alleged against *her*
that *she* is at liberty to waive making a statement, and that *her* waiver cannot be used
against *her* on the trial.

Question. What is your name?

Answer

Elvior Leonard

Question. How old are you?

Answer

18 years of age

Question. Where were you born?

Answer.

New York City

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

Answer.

225 W. 4th St. 2 weeks.

Question. What is your business or profession?

Answer.

Domestic

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 took Emma to 101 West
2nd St. where deponent met John J.
Gibson. I partially undressed and
went to bed with Gibson and had
sexual connection with him in the
presence of said Emma who rem-
ained in the room during the time.*

Signed

Elvior Leonard

Taken before me this

19th

day of *Decr.* 188*9*

(Signed)

On

Police Justice.

POOR QUALITY
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Richard Pieters

Lived in 101W21. Knows
defts character to be bad.
Has driven girls away
from the house who used
to come and see Gibson

District Attorney's Office.

PEOPLE

vs.

John J. Gibson

Abduction

Defts Witnesses

afft of Edward Schroeder
detective, 420 W 53

afft of C. D. Weaver

Cohen, head man of the
World advertising.

Mrs Hendricks

P. G. Mr Kinney the New
Jersey absent witness

Cornelius S. Weaver

*Judge's charge
in the bundle of
testimony for 1888*

The People
vs.
John J. Gibson.

Court of General Sessions, Part I.
Before Judge Gildersleeve.

Wednesday, January 18, 1888.

Jointly indicted with Nellie Leonard for abduction.

Emma Roshore sworn and examined. I am eleven years old and live at 181 Waverly Place with my father and mother. I have seen the Defendant, Mr. Gibson at his house No. 101 East 21st Street; the first time I went there it was the 16th of last November and I went with Nellie Leonard; the defendant Gibson was there, he has two back rooms on the first floor; it is between Sixth and Seventh Avenues. We went into the biggest room and there was a man and a lady there and Gibson too; we were sitting talking and in about half an hour the man and the lady went home, it was about half past eight in the evening. He, Gibson, remained there with Nellie and me and he whispered to Nellie and asked her if I would tell and then he turned down the gas and Nellie and Gibson undressed and he asked me to undress myself; Nellie said, "no, the nurse fixed her clothes on." Nellie and Gibson went to bed and I sat over in a chair for a while and then after Nellie told me to come to bed and lie alongside of them; then he tried to put his hand up my clothes and then he got on top of me; he put his person on top of me and I saw his private parts; then he got on Nellie and then got up and dressed themselves and he turned up the light. About five minutes before he got on top of me he tried to unbutton my drawers but I would not let him. After they were dressed we stayed for a little while and then went home; Mr. Gibson us grapes and apples and he gave us some

money and we got some ice-cream. I got home that night about half past nine but did not say anything to my mother about it. I went to Gibson's house the second time because Nellie asked me to go: we got there about ten minutes past eight and saw Mr. Gibson in the same room. Nellie and Gibson went to bed but did not undress themselves and I lay alongside: he got on top of her, he did not do anything to me but tried to put his hand up my clothes but I would not let him: we lay there about ten minutes; after that they got up, we talked a little while and then went home; we got home about twenty-five minutes of ten that night; I did not tell my mother about it; Nellie was living with us then. One Saturday evening Nellie and I were coming from the theater and we stopped at Gibson's; nothing was done then. The time before this Nellie wanted two dollars to buy a trunk to go to Summit but he only gave her one dollar and she kept it. Sunday Gibson came around to my door, Alice Kelly and my sister were with me, he called us around the corner, up to his house and gave us grapes and oranges and we stayed ten minutes. He asked me if Nellie had gone to Summit and I said yes. He took hold of me around the waist and tried to pull me on his lap but I pulled away, then we went home; my sister is nine years old and the other little girl is twelve. He asked me to come alone some time to his house but I never went there after that. I first met Nellie Leonard at Mr. Marshall's, the 8th St. station on the down town side of the Sixth Avenue elevated road at about four o'clock in the afternoon. My father works on the Pennsylvania Railroad. Mr. Marshall asked me if my mother would let Nellie stay with us for a couple of days and I said yes, and we

went home to my house; she lived at my mother's house about six weeks, and while she was there, on the 16th of November, we first went to Gibson's house.

Cross Examined.

I am eleven years old and was born on the 2nd of March, 1876. The first time I went to Gibson's house was the 16th of November, either Wednesday or Thursday. On the Monday before it had been raining and we went to a lady's house in 14th Street to find out where Mr Gibson lived. The lady told Nellie that her husband knew and so we went around the next night and her husband told us. We did not go to Mr Gibson's right after we left this place but went on Wednesday. Mr Gibson has two back rooms on the first floor; neither Nellie or I knew where he lived; he had company the first night we were there; Mr Gibson and Nellie had no conversation when we knocked at the door; Nellie knocked at the door and Mr Gibson opened it; he said, "why, hello, Nellie.". Gibson did not know that Nellie was coming there: when we went there there was a man and a lady there, it was about half past eight and they staid about half an hour. When we went into this room he asked us where we lived; then we were talking to the man and lady. He got a book and told Nellie's fortune as soon as we come in almost, she was looking at the book, he was about five minutes telling her fortune then he sat down. The man and lady went home and we left about half past nine. We have no nurse in our family, Nellie told a falsehood when she said the nurse fixed my clothes on. Mr. Steiner told me what was meant by private

parts, I talked to Mr. Steiner about half an hour and talked to him another time about ten minutes. I spoke to Mr. Gerry once about this case and to my mother twice: my father asked me a number of questions and I told him all about it. He tried to put his hand up my clothes before he and Nellie went to bed and he got on top of me when I was lying alongside on the bed.. The second time I went there with Nellie Leonard, Mr. Gibson asked us to come again. The first time Gibson gave me one dollar and I gave Nellie Half; the second time Nellie wanted two dollars to go to Summit but he gave her one dollar. I also went with Nellie to Tony Conglin, a shoemaker; he sent for some soda for us. Mr. Marshall first told my mother about Gibson and when I came home from school my mother asked me and I told her what had taken place.

Elinor Leonard sworn and examined by Mr. Davis.

I know Emma Roshore and lived at her house last October. I first met Emma at Mr. Marshall's at the Sixth Avenue and Eighth Street of the elevated railroad about four or half past four. I had been talking with him about an hour. When I left the Station I went home with Emma to 181 Waverly Place; I came to the city that day from Summit and had no place to live. I stayed at Mrs. Roshore's over a month and during that time saw Mr. Gibson, I never saw him but once before and that was at a skating rink, he then lived at 52 West 14th St. After I went to live with Emma I saw him in his house in 21st Street, I took Emma with me. I went to see him because he wrote to our house in the country in the summer and invited me to the city and my folks gave the letters to Anthony Comstock. I saw the

35

first letter and know his hand-writing. On my first visit I took Emma with me and we saw Gibson; he did not have sexual intercourse with me; he gave us some money and told us to come again. I am going on nineteen years old
Cross Examined.

I went to Mr. Marshall because he was an old friend of mine. I first met Mr. Gibson at a skating rink about four years ago; he wrote letters to me and invited me to call when he lived in 52 West 14th Street, it was between three and four years ago. When I came to New York I went to 52 West 14th Street twice and found out where Mr. Gibson lived from a lady down stairs. I went to 101 West 21st Street and knocked on the door and Mr. Gibson appeared. I asked him if he remembered me and he said he did; he was not alone in the room. We got there between eight and half past eight and stayed there two hours. He told our fortune, the other people went and then he suggested what he did. He took off all but his underclothing; he turned the gas down; I had everything on but my dress; the little girl was on the left side of me, I was in the middle in the bed; the little girl was in bed all the time with Mr. Gibson and me; I had ^{not} sexual intercourse with the Defendant the first night but I did the next week; Emma was with me. I am eighteen years of age and was born in New York City and reside at 225 West 4th Street two weeks; I am a domestic. I took Emma to 101 West 21st St. where I met deponent John J. Gibson. I partially undressed and went to bed with Gibson and had sexual connection with him in the presence of said Emma who remained in the room during the time.

Lydia Roshore sworn and examined by Mr. Parker.

I reside at 181 Waverly Place and am the mother of Emma Roshore the complainant in this case. Emma Roshore was born March 3, 1876 and is eleven years old. The facts of this case came to my knowledge on the 7th of December from Mr. Marshall; I accompanied my husband to the Police Court and he made the complaint. I first met Nellie Leonard sometime last Novmeber. She was sent to my house through Mr. Marshall, a ticket agent on the elevated railroad. My little girl brought her over from the station, heasked if I could accomidate her for two or three dyas and I said I could; she stayed in my family six weeks; she left my house on the 6th of December. My husband left home this morning to go to Pittsburg; he is Pullman Conductor on the Pennsylvania Railroad; he has been gateman on the Sixth Avenue elevated railroad. During Nellie Leonard's stay at our house Emma's behavior was excellent; she attended school regularly and I had full confidence in her behavior at all times.

Cross Examined.

Nellie Leonard came to our house in the latter part of October or the first of November. Mr. Marshall asked Emma if I could accomidate her for two or three days and Emma said yes and brought her over to the house and I did so; she stayed six weeks, helping me with my housework. On one occasion I went to Boston for three days, she took care of the house; she took Emma out to walk after school. I know absulutely nothing about hercharacter. I thought she was a nice, ladylike girl, everything was right while she was in my house. They were home every night with one

exception at nine o'clock; that one ight it was about ten o'clock when they came in; it was in the latter part of November.

John D. Farrell sworn and examined.

I am a member of the Municipal police of this city attached to the Second District Court. I arrested the Defendant on the 14th of last December. I arrested him in his room at 101 West 21st Street about six o'clock in the evening. The door was open, I stepped in and asked him if he was Mr. Gibson, he said he was: I told him I had a message from Nellie Leonard. He said, "take a chair", and I sat down right alongside of him. He says, "Nellie Leonard, Nellie Leonard, let me see." I says, "she is a young girl that formerly visited you here in your room." He says, "Oh yes, she is from Summit, N.J." I says, "the same." I says "she is in some trouble", and I says, "I am an officer and I have a warrant for your arrest"; then I went in my pocket and took out the warrant and was about to show it to him. He says, "aint it possible to wait till to-morrow?" I says, "No sir;" so I took him.

Cross Examined. I arrested him on the 14th of December at six o'clock in the evening. I told an falsehood when I said I had a message from Nellie Leonard, I only wanted to be sure that he was the man.

Minnie Kenyon sworn and examined.

I live at 101 West 21st Street and resided there during the month of November last except occasionally when I went to Brooklyn and stayed all night. I know the prisoner by sight; during the month of November hr resided in that same house; my room was on the same floor as his; her was

obliged to pass my door to reach his room. I do dress-making, buttonhole making, embroidery and stamping and carry on my business in my room at 101. During the month of November I observed on many occasions young girls visitine the room of the prisoner; I have seen these girls I do not know Emma Roshore or Nellie Leonard bur saw them visit there in the evening during the month of November.

Cross Examined. I should certainly know these girls if I saw them: Emma Roshore is a little girl, I saw her distinctly through my curtained window. I had no altercation with Gibson about a box of coal in the hall and did not say to anybody that I would get even with him. I simply told the janitor when he came up and told me that Gibson objected to the box of coal I would take it in when I got ready: I never thought of the coal-box afterwards. I saw Emma Roshore visit the prisoner's room and I also saw Nellie Leonard.

Lawrence Carroll sworn. I am a photographer and reside at 121 West 21st Street and reside there in the month of November last; I know the prisoner; I live on the same floor with him; my dwelling is on the top floor but my office is the adjoining room to his. During the month of November last I saw young girls on many occasions vssit the room of the prisoner; I cannot state any positive dates or times but I have seen a great many girls go to his room.

The Court adjourned.

James Marshall sworn and examined. I reside 251 West 28th Street, am an agent on the elevated railroad and during the month of October was employed at the Station at Sixth Avenue and 8th Street; am acquainted with Nellie Leonard five or six years, she came to see me in October and inquired where the Seamans Savings Bank was, she had some money to deposit in the bank; in October I saw Emma Roshore at the station; she was there one day when Nellie Leonard told me she had a vacation of three days from the country and asked me if I knew a family where she could stop; I asked Emma to ask her mother if she could let Nellie stay there two or three days; they left in company. In consequence of information I received as to Nellie and Emma visiting the defendant's room I told her mother about this case. Emma Roshore came to see me frequently at the Station. I judged from her appearance that Nellie Leonard was a good girl. I knew the family of Emma Roshore for years; her father is now a Pullman Conductor.

John J. Gibson sworn and examined. I reside at 101 West 21st Street, N.Y.: it was about the 16th of November that these girls came to my house; Nellie knocked at the door and said she was inquiring for Mr Gibson's room; I said, "this is my room and that is my name;" she walked in and I asked her to be seated and she and the little girl took a seat; she went on and told me that she not had seen me for three or four years and that she met me at a skating rink. Of the girls that were there I thought she might have been one of those from the circumstances she related of things that happened at the rink. My friend Mr. McKinney and a lady were there and

remained until a quarter of ten and then left. Nellie Leonard was sitting on the sofa talking to me; she said the light was too bright in the room and she turned out one of the jets and said, "let us go to bed for a few moments." I spoke in an undertone and said, "can't you come up again alone sometime, not with this girl." She says, "that is my cousin living with my aunt, she will say nothing, leave her in that chair, "and told the girl to take an apple that was on the dressing-case; she did and sat there in the chair eating the apple. Nellie Leonard turned the other light down low and said to me, "come on to bed a few minutes, I have not long to stay, I don't know when I can come again." Nellie and I went to bed together partially undressed and we remained in bed about two minutes. She asked me then to get up, that she must get home, she was very late. The little girl remained in the chair all the while, over by the dressing case and never came near us. I never took liberties with the little girl, I never gave them any money; they came again another time and remained only a few minutes; I charged them with stealing a plush ornament which was a souvenir given to me by a friend. I never drink liquor.

Cross Examined. I am thirty-eight years old and am in the cotton commission business, I do not remember where I lived in 1884, I have been in the city over five years and came from St. Louis, I was a cotton commission broker there and also in Galveston and Memphis; I have done business in 116 Pearl Street, N.Y. and have resided at 52 West 14th St. and at 50 Union Square. I was not told by the landlord Mr. Frankfield, that I must

leave because complaints had been made of improper practices with young girls. I know a girl named Julia Boenau, she lived with me as my mistress nearly three years, I did not know her age but I believe it was somewhere between fifteen and twenty; I know her mother, I might have seen her at 33rd St. Her daughter had been with child but it is a question whether it was by me or somebody else, she was delivered of twins; I never admitted to her mother that I seduced her and never promised her mother that I would marry her; I know one of her brothers, I never was chastised in the street by him because of my treatment of his sister, Mrs. Boenau never chastised me or upbraided me for the seduction of her daughter. I do not remember ever seeing Nellie Leonard at a skating rink; I have been to two or three rinks during the craze, I have visited the Manhattan and the Nillson rinks, I have never heard myself called "The Skating Rink Fiend", or "The Chippy Hunter." I have known Mr. McKinney fifteen years; the lady who was with him was not his wife; I do not remember telling Nellie Leonard's fortune; the girls were looking at a book and I explained the numbers of the dice. I had sexual intercourse with Nellie Leonard the first time she came and all this only took from six to ten minutes from the time Mr. McKinney and the lady left until the girls left. Emma did not lie alongside of Nellie and me and I did not attempt to have sexual intercourse with her. I never put my hand up her clothes, I made no advances to Nellie Leonard, she tempted me. Up to the time that she made these advances her conduct was ladylike; she was practically a stranger to me.

Jacob H. Cohen sworn. I am connected with the business department of the New York World, I first met Mr. Gibson in 1875 in ST. Louis, he was in the cotton business; his general reputation for respectability and good character was very good; I do not know anything about his private or moral character; I saw him a few times in New York; I don't know anything of his relations with women.

Sabine Boenau sworn and examined by the District Attorney. I live at 153 West 63rd Street and know Gibson; I visited him at his residence corner of 63rd St. and Broadway where the National Bank now is; I asked him where my daughter was, he said first he did not know and then he was frightened and told me she was in Brooklyn, he wanted to fetch her home in the night, I went back and my daughter was crying; he told me not to make any disturbance, that he would marry her; this was five years ago; she was then sixteen years old.

Louis H. Morris sworn. I reside at 343 Sixth Avenue and know the Defendant about eight months; his relations with women are bad. He said to me in front of my door, "I would not have anything to do with a prostitute", he did not want any prostitute over sixteen or seventeen, all the way from fourteen to sixteen. He said, "even if I want anything for all night I can get it and if I do not want anything I can take them up a little while and make them take a present of ear-rings, jewelry, rings and everything of that kind, I enjoy myself with them, I cannot enjoy myself with bigger ones, they want money, I give

them trifling things like that and they are satisfied.

Henry J. DeSaxe sworn. I live at 47 East 59th Street and know the Defendant and knew him when vhe resided at 52 West 14th Street in November, 1885. I made a complaint to the landlord of the building concerning Gibson; his relations with women show him to be morally very bad. I know this from confessions made by the girls in my office. Girls used to overrun my office day and night seeking Mr. Gibson.

Richard Reiners sworn. I live at 101 West 21st Street and lived in the same house where the Defendant was for some time. His general reputation as to his intercourse with women is not very choice.

Edward C. Schoeder sworn. I saw Mr. Morris; he said he would not like to get mixed up in the case; I told him it was a very easy matter for him to get out of it by keeping out of the way of a subpoena. He said he took an interest in Nellie Leonard and that if she got out of this trouble he would get her a situation. I am a private detective and was hired by the Counsel for the Defendant.

John B. Taltavall sworn. I am editor of the Electric Age, have known the defendant five or six years and his general reputation as to business integrity is good.

Henry E. Stocking sworn. I am an officer of the Society for the Prevention of Cruelty to Children; the defendant's reputation as to women is very bad, I heard girls in the Nillson Rink call him a Chippy Hunter.

The Jury rendered a verdict of guilty.

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The only rendered a verdict of guilty.

There is no witness who testifies that the defendant
was in the room at the time the murder was committed.
The only evidence against the defendant is the fact
that he was in the room at the time the murder was committed.

Good.

and the witness who testified that he saw the defendant

at the time the murder was committed.

There is no evidence against the defendant.

The only evidence against the defendant is the fact

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The only evidence against the defendant is the fact

*Testimony in the case
John J. Gibson
filed Jan 1887*

Court of General Sessions of the Peace
For the City and County of New York
January Term 1888 Part I

THE PEOPLE of
The State of New York

--vs.--

JOHN J. GIBSON.

Bill of Exceptions.

Indictment Abduction

At a Court of General Sessions of the Peace in and
for the City and County of New York held at the
City Hall in the City of New York before Hon. Mr. J. M.
Sullivan City Judge of said City on the 15th day
of January 1888. The case formed upon a certain
Indictment against John J. Gibson for Abduction
came on for trial and a jury having been empanelled
and sworn the following testimony was then given and the
following proceedings then and there had
Assisted by City Clerk and Davis appeared for the People
Hoeber & Worch for the defendant
(on behalf of the people)

EMMA ROSEBORN sworn and examined by Mr. Davis, testified as follows

I was eleven years old last March. I live now at
181 Waverly Place with my mother and father. I have seen
this defendant Mr. Gibson before to-day. I saw him at No.
101 West 21st Street, East Side. The first time I went
there it was the 10th of last November. Nellie Leonard
went with me to Gibson's house. Defendant's rooms are oc-
cupied by himself. There were two rooms on first floor,
one flight back. I went there in the evening between eight
and nine o'clock; his place is between Sixth and Seventh
Avenues. We went in the biggest room he has. When we
first went there, there was a lady and man there and the de-
fendant Gibson. While the man and lady remained there, we
were sitting down talking. The man and lady went home, Gib-
son remaining. They remained about half an hour after we
got there; they went about half past eight in the evening;

Gibson remained there with Nellie and I. Gibson asked Nellie if I would tell; he whispered in her ears something; I only heard if I would tell; only those words; those were the words that he used. He then turned down the gas and they undressed, both of them, Nellie and Gibson; I was there at the time and saw this. He took off all his clothes except his shirt. He asked me to undress myself.

C What did you say to that?

A Nellie says, "No, the nurse fixed her clothes on."

C Nellie said when he asked you to undress yourself, Nellie said no?

A She said the nurse fixed my clothes on, she knows how they are fixed on.

By the Court:

C Did you say that or did Nellie?

A Nellie.

By Mr. Davis:

C When he asked you to undress yourself and Nellie said, "No, the nurse fixed her clothes on and she knows how they are fixed", is that it?

A Yes, sir. After this they went to bed, Nellie and Gibson, and then I sat over in a chair for a while and then Nellie told me to come to bed and lay alongside of them, which I did, and then he tried to put his hand up my clothes. I was lying alongside of him; there were three of us then on his bed. He got on top of me and then he got off; he put his person on me while on top of me. I saw his private parts; after that he went on Nellie; then he got up and

they dressed themselves and turned up the light; nothing done with my clothing before he got on top of me; he tried to unbutton my drawers and I would not let him; this was before he got on top of me about five minutes; I saw them while they were dressing; after Gibson was dressed we stayed for a little while and then we went home. We had grapes and apples which he gave us; Gibson gave us some money; I gave Nellie half of this money; we got home at half past nine that night; I said nothing to my mother that night.

Q Did you see Gibson again after that?

Objected to any and all testimony showing subsequent acts of defendant as incompetent and irrelevant and on the further ground that the defendant is not on trial for any subsequent acts which took place after the day alleged in the indictment, and the prosecution cannot prove subsequent acts of defendant.

Objection overruled. Exception.

A Yes, sir; we went to his house, Nellie and I.

Q Why did you go to his house the second time, Emma.

Objected to on the same ground. Objection overruled. Exception.

The Court: I must admit other acts to show the intent, but this question, why did you go there at another time, that may or may not be material.

Exception.

By Mr. Davis.

Q What made you go there the second time, Emma?

Same objection. Same ruling. Exception.

A Nellie asked me to go.

Q What time was it that you got there?

Same objection. Same ruling. Exception.

A About ten minutes past eight.

Q Whom did you see?

Same objection. Same ruling. Exception.

A Mr. Gibson.

Q Anybody else?

Same objection. Same ruling. Exception.

A No, sir; not the second time.

Q Was it the same room?

Same objection. Same ruling. Exception.

A Yes, sir.

Q What was done there then?

Same objection. Same ruling. Exception.

A They went to bed but they did not undress themselves.

Q Who went to bed?

Same objection. Same ruling. Exception.

A Nellie and Gibson.

Q What did you do?

Same objection. Same ruling. Exception.

A I laid alongside.

Q What else was done while you lay there?

Same objection. Same ruling. Exception.

A He got on top of her.

Counsel: I object to every question as it is asked now and your Honor will grant me an exception on all these questions.

This line of testimony is introduced to show what occurred after the date in this indictment.

The Court: You shall have an opportunity of entering an objection and exception at any time. If the trial results in a conviction you can enter ^{*your objections and exceptions on the record*} ~~it after, I will be very liberal about that.~~

Mr. Davis:

Q Now, you were lying alongside of him.

Same objection. Same ruling. Exception.

A Yes, sir.

Q About how long were you there?

Same objection. Same ruling. Exception.

A Ten minutes.

Q Did he do anything to you at that time.

Same objection. Same ruling. Exception.

A No, sir; he tried to.

Q In what way did he try to.

Same objection. Same ruling. Exception.

A He tried to put his hand up my clothes.

Q What did you do then?

Same objection. Same ruling. Exception.

A I was lying there.

Q After he tried to put his hand up your clothes what did you do?

Same objection. Same ruling. Exception.

A He got on Nellie.

Q What were you doing then?

Same objection. Same ruling. Exception.

A I was lying there alongside of him.

Q What did he do after that?

Same objection. Same ruling. Exception.

A Then they got up.

Q After they got up, what did they do?

Same objection. Same ruling. Exception.

A We talked a little while and then we went home.

A What time did you get home that night?

Same objection. Same ruling. Exception.

A Twenty-five minutes of ten. I did not tell my mother anything about this at that time. Nellie was living at home with me then.

By the Court:

Q Nellie lived at the same house with you, did she?

A Yes, sir.

By Mr. Davis:

Q When next did you see Gibson?

Objected to as incompetent and irrelevant.

Overruled. Exception.

A One Saturday evening we came from the theatre and we stopped up there and he was there.

Q What was done then?

Same objection. Same ruling. Exception.

A Nothing.

Q Now this other time that you speak of just before this, did

Gibson give you anything before you came away?

Same objection. Same ruling. Exception.

A He gave it to Nellie; Nellie wanted two dollars and he did not give it to her; she wanted to buy a trunk to go to Summit; she kept the dollar. Then we came away.

Q Then you met him after you were coming from the matinee, did you?

Objected to as incompetent and irrelevant.

Overruled. Exception.

A No, it was one Saturday night we went up in his house; we come from the theatre one Saturday evening; Nellie and I were at the theatre alone.

Q How long did you stay at his house then?

Same objection. Same ruling. Exception.

A Five minutes. After that we went home; got home at six o'clock.

Q When did you see Gibson the next time, on what day?

Same objection. Same ruling. Exception.

A Sunday we come around to his door, Alice Kelly was with me and my sister, and he called us around the corner and we went around, and he called us up to his house and we went, and we had some grapes and oranges. Nellie was not with us.

Q Did he do anything at that time to you?

Same objection. Same ruling. Exception.

A No, sir.

Q Or to the other girl?

Objected to as incompetent and irrelevant.

Overruled. Exception.

A No, sir.

Q How long were you there?

Same objection. Same ruling. Exception.

A Ten minutes.

Q What did he talk about to the girls?

Same objection. Same ruling. Exception.

A He asked me if Nellie went to Summit and I told him yes, Nellie was to go up that Sunday.

Q What else did he say to you?

Objected to as incompetent and irrelevant.

Overruled. Exception.

A He tried to pull me on his lap.

Q In what way did he try to do that?

Same objection. Same ruling. Exception.

A He caught hold of me.

Q And did he draw you on his lap?

Same objection. Same ruling. Exception.

A No, sir.

Q What did you do when he tried to draw you upon his lap?

Same objection. Same ruling. Exception.

A I pulled away.

Q What part of you did he take hold of?

Same objection. Same ruling. Exception.

A The waist; then I went home; we went home together. My sister is nine years old; the other girl twelve years.

Q Did Gibson ever ask you to call again at his house?

Same objection. Same ruling. Exception.

A He told me to come alone some time.

Q When was that?

Same objection. Same ruling. Exception.

A The Sunday we was up there he told me to come alone some time, and I said nothing to that.

Q Did you go there after that?

A No, sir.

Q Now let us go back a little to the time when you and Nellie Leonard first went there; do you remember the time when you first met Nellie Leonard?

4 A No, sir. At Mr. Marshall's I met Nellie first, at the 8th St. station, down town, 6th Av. Elevated R. R.; it was about four o'clock in the afternoon. ^ Nellie and I staid up there for a while and then I went outside and she whispered to Mr. Marshall and Mr. Marshall said he would ask me, and he asked me if my mother could let her stay for a couple of days, and I said yes.

Q And then where did you go?

A Nellie and I went home to my house; Nellie stayed and lived at my mother's house; she lived with us six weeks; while she was living there with us at our house, I first went to Gibson's place, the 10th of November, 1887.

The Court took a recess.

After recess.

CROSS-EXAMINED BY COUNSEL:

Q You say you are eleven years old, when were you born?

A 1876. I do not know on what day I was born.

Q Well, now, Miss Roshore, on what day was it that this act

took place, the first time you came to Gibson's room, what day was that?

A The 16th of November.

Q How is it you know that and you do not know the day you were born, but you know it was the 16th of November.

A I was born the 3d of March.

Q Well, how is it that your recollection is so distinct as to the 16th day of November and is not so distinct as to the day upon which you were born?

By the Court: The date is not important.

A The 16th of November, I think it was Wednesday or Thursday. We found where Gibson lived by a lady in 14th Street where he used to live, a lady told us. This was about two days before we went to his house; it was on a Monday we were there at 14th Street; it was not raining; it had been raining. I don't recollect it was Saturday that we had gone around to his place; I do remember that on this day that we did go round to the place that it had been raining very hard; I do not know who the lady was we went to see on 14th Street, where Mr. Gibson used to live, in the same house; we knocked at the door and Nellie asked her where Gibson lived; she asked her if she knew where Gibson lived. She said, no, her husband knows and we went around the next night and her husband was in and he told us. Nellie and I did not know where Mr. Gibson lived before she found it out from this other gentleman. The next time we went to see Mr. Gibson it was Wednesday; we went about eight o'clock to see Gibson; neither I nor Nellie knew where he lived

5

until we found out at 14th Street. Nellie knocked at his door; Mr. Gibson opened the door; when the door opened, he says, "Why, hello, Nellie." She did not say anything first to him; he did not say who are you looking for; she knew him, she did not know whether it was his room, but he came to the door and she knew him; Gibson did not know Nellie was coming there. This man and lady ~~staid~~ there about half an hour. When we went in his room he asked us where we lived; he did not know where we lived; after we got in his room he got a book out and told Nellie's fortune, as soon as we come in almost; after he told her fortune he sat down; the lady and man went home after this; half past nine we left; we walked from Gibson's place home; it took ten minutes to walk home. We have no nurse in our family; Nellie uttered a falsehood when she said we had a nurse.

By Counsel:

Q And at the first time that you went there it was Nellie that asked you to go?

A She told me she knew a man that was a particular friend of the family. I never saw Mr. Gibson before the first time I was at his house; Nellie asked me to go there this first time.

Q Did Mr. Gibson ever make any proposition to you to have any intercourse with you?

By the Court:

Q Did he ever make any proposition to you to do what you saw

1 him do to Nellie in the bed?

A2 He got on top of me.

Q3 Did he ever ask you if he could do to you what you say you

4 saw him do to Nellie?

A5 No, sir.

6

By Mr. Davis:

Q The first time you went there with Nellie, Emma, I want you to state, try to remember about what time it was that you got there.

The Court: You have been over that; whether it is half an hour or an hour later, it is not important; she was there two or three different times.

By Mr. Davis:

Q Whom did you first tell about this matter with Mr. Gibson?

A Mr. Marshall told my mother and when I came home from school my mother asked me and I told her. I told her what had taken place.

ELINOR LEONARD, sworn and examined by Mr. Davis, says:

1 I know Emma Roshore. I live at her house. I
2 went there to live in October of last year. Where I
3 first met Emma? It was at Mr. Marshall's on Eighth Street
4 and Sixth Avenue Elevated R. R. Station. Yes, sir; I
5 had a conversation with him before I met Emma. About an
7 6 hour. I had been talking with him before I saw Emma.
Emma went with me when I left the Station. I went to her
home, 181 Waverly Place. I have a step-father. Her
mother was there when I got there. Yes, Mrs. Roshore is
here to-day. I guess I was there over a month; during
that time I saw Mr. Gibson, the defendant. The first
time I saw Mr. Gibson in the City was at a skating rink,
that was the first acquaintance I made with him.

Q. When you made his acquaintance at the skating rink at that
time or after that time, did you know where he lived?

A. Yes, sir; he lived in 14th. Street at that time, No. 52.
Well, it is right a little ways from Macy's, it is west.

Q. Had you ever been to his house?

A. No, sir.

Q. Whereabouts did you see him first after you went to live
with Emma?

A. In his house in 21st. Street. Emma Roshore was with me
at this time.

8 > Q. On your first visit to him I understand you to say you did
take Emma along with you, did you?

A. Yes, sir.

Q. When you got there, whom did you see?

A. Mr. Gibson.

Q. What took place, tell us everything that took place.

A. Well, when we first went in there there was a man and a woman in there and after that the people went out; he sat there and gave us fruit and he also had a book with some dice on it and he was telling us fortunes with these dice and after that we were about to go home when he suggested that we should stay a little longer, and therefore that took place. Improper things took place which he suggested to us. He told us to get our things off and go into bed with him and we did so. Well, first off he asked me and I said yes, and then he was not satisfied, he wanted Emma, and then I strongly objected and he said "well let her lay on the bed"; and then after that he commenced and he asked Emma if she would not let him do something to her, and I said "No", and he said "yes", let me put my private to hers". I was there about half an hour in bed after that.

Q. After he wanted to do that and said that he wanted to do it, what did he do with Emma?

A. He lay on Emma.

By the Court:

Q. Did he have sexual intercourse with you at that time?

A. No, sir.

By Mr. Davis.

Q. What did he do to you?

A. Well, he came from Emma and he came right over to me but he did not do anything to me. Well, first he got in the

Q. middle of Emma and I. He rolled off Emma to the other

Q-3

side of me, the right side. Yes, he did get on top of
of me.

Q. Well, after that, after he got through what was done?

A. Why, we put on our things and went home.

Q. What did he do before you went home, if anything.

A. Before we went home he gave us some money and he told us
to come again.

Q. Did you come again?

Objected to on the ground that it is to show
some subsequent act, and is incompetent and
irrelevant; objection overruled; exception.

A. Yes, sir, we did.

Q. What was done the second time you went?

Same objection; same ruling; exception.

A. The same thing, only he did not do anything to Emma. I
am going on nineteen years old.

CROSS EXAMINED:

BY COUNSEL:

Q. Now, Miss Leonard, how did you come to go to Mr. Marshall.

A. Well, because Mr. Marshall is an old friend of mine ours.

Q. Of your family?

A. Well, no, not exactly, but my folks know of him and know
him to be respectable.

Q. Now when you came to New York, tell us what efforts you
made to find Mr. Gibson?

A. Not anything out of the way.

Q. State what you did.

A. I asked a lady down stairs where he lived and she told me.

Q. (By the Court) A lady down stairs where, at what place.

Q. In 52 West 14th. Street.

IV COUNSEL:

Q. How were you there more than once when Gibson lived at 52 West 14th. Street?

A. I was there twice and the lady told me to come the next time and she would tell me.

Q. Her husband, who knew the address would tell you, is not that it?

A. That is it. I was told where to go, and I went directly to where I was told and I knocked on that door and Mr. Gibson appeared.

Q. Did you go immediately into Mr. Gibson's room or did you go to the house first?

A. I went upstairs and then I heard that he lived downstairs.

Q. And then you went downstairs. Now tell us who opened that door?

A. Mr. Gibson did.

Q. Now what did you say, did you say anything, if so what did you say to Mr. Gibson ^{then} at that moment?

A. I spoke to him, "How do you do, don't you remember me?" and he said he did.

Q. Now what reason did you tell Mr. Gibson, did you give Mr. Gibson for your calling there at all?

A. None whatever. No, he was not alone in his room. We were talking about various things, the men and women in there, they started the conversation, I do not know what it was. We got there between eight and half past eight. I would not say exactly, I said we got there between eight and half past eight, we stayed there two hours. Yes, sir.

I am sure I stayed there two hours. Well, what happened is this: He seemed to be quite interested in us and he took the book from the drawer and he had some dice on that book, he threw those dice and he told us our fortune and he seemed to pay all attention to us, the other people went on to talk by themselves and after that when they went out why he suggested what he did.

Q. You say you did not do anything?

A. I did.

Q. You said in your examination before you did not do anything.

A. I did not say it.

Q. You say he did what was suggested, or something like that.

A. I did not say nothing of the kind I said he suggested something to us and we said yes, I said yes.

Q. What was that something that he did?

A. I do not think it is necessary to repeat it, I did once, I do not care to.

Q. The witness said he did not have anything to do with her.

A. I did not say nothing of the kind.

Q. (By the Court) What did you say?

A. I said first when he came on me why then he went to Emma, and then he rolled off Emma and he rolled right on to me, that is what I said.

BY COUNSEL:

Q. Now did Mr. Gibson change his attire, his dress or anything that you can recollect?

A. No, he did not, he took off his things but he did not change them, he had the same things.

Q. How much did he take off?

A. He had his underclothing on. I did not observe what his underclothing consisted of. No, he did not, he took off his overshirt. He turned down the gas, the light was not burning. Well, no, not so very low when we went to bed. Well, we could see and distinguish each others figures and also the faces. I had everything on but my dress.

Q. What dress is that, the overdress?

A. Yes, everything but my overdress. I said I had my dress off. Emma was on the left side of me when I went to bed. I was in the middle. Gibson was on the right side of me.

Q. How did she come to do that?

A. Because he told her to go to bed. I told you once what we did in bed; you heard it; I dont repeat it for you heard it. I did say I did not have sexual intercourse. I do still say so. I told you he rolled off Emma right on to me, that's what I told you. Yes, he went to Emma first.

Q. Now, Miss Leonard, here is an affidavit which you swore to, I will introduce it in evidence.

The Court: You have not got the original.

Counsel: It is a copy of the original.

Witness: I swore to nothing at all, I never swore a bit until I came here to this stand to-day.

Q (By Counsel) Did not you swear, as matter of fact, that you had sexual intercourse with Gibson?

A. I did not say nothing of the kind until after, that was the first time you are referring to, I aint referring to the first time.

a-7
Counsel: We are not referring to anything.

The Court: That is an explanation; her statement now is she had no sexual intercourse, she has never so stated.

Counsel: Here is an affidavit that on the 16th day of November she had sexual intercourse with this man, to which she swears.

The Court: It is not fair to state the contents of the original.

Mr. Davis: In view of the nature of this defence and the character of the crime and the persons connected with it, I will not consent to the admission of any certified copy of an affidavit of the Police Court; produce the original.

The Court: This witness was examined as a witness on the trial in the Special Sessions--is that what you mean to say?

Counsel: No, I do not mean to say that; the affidavits were made at the Jefferson Market Police Courts and the action at Special Sessions was based on those affidavits. This is the second time they are trying to hold this defendant.

Mr. Davis: Your Honor, I think I can unravel this mistake. This matter was presented against the Defendant at the Special Sessions and it transpired that it was a felony they were trying and consequently the Court had no jurisdiction.

The Court: The counsel is trying to impeach this

witness by showing that at some ^{other} time she made some other statement. I was examining this paper to see if it could be properly admitted at this time.

Mr. Davis: I want object to the record going in.

The Court: You can introduce the record subsequently. Let her make her statement; any statement she has made heretofore can be subsequently introduced upon a properly authenticated record.

Q. (By Counsel) So that you positively swear that you did not have sexual intercourse with this defendant on the night of the 10th. of November?

A. I do.

Q. (By the Court). That was the first night you were there.

A. Yes, sir. I did not have any intercourse with him at that time. But subsequently, I did. Well, it was the next week we went there.

BY MR. DAVIS:

Q. Was Emma with you then?

A. She was.

Q. You say you had no sexual intercourse the first time you went there with Emma.

A. No, sir.

Q. But he got on top of you?

A. Yes, sir.

Q. (By the Court) You were examined as a witness at Jefferson Market or Special Sessions?

A. Special Sessions.

Counsel: There was no examination at Special Sessions; there was objection made at Special

**POOR QUALITY
ORIGINAL**

0939

29
Sessions on the affidavit.

The Court: There are two papers here, one is an affidavit of Emma Roshore and the other is an examination of Nellie Leonard before the Magistrate and the answers.

Counsel: It was a formal examination in which she was sworn before Judge Patterson; she held up her hand.

Mr. Davis: I wish your Honor to understand if I were sure that that was a correct statement of what she made there I would not object to its admission.

The Counsel: It is a certified copy.

The Court: It is simply a repetition of what she says here. Of course that affidavit has nothing to do with the matter of Emma Roshore. If you say this is a certified copy why it may be admitted. Let that be marked in evidence, Defendant's Exhibit A.

**POOR QUALITY
ORIGINAL**

0940

(Copy)

DISTRICT POLICE COURT.

City and County of New York, ss:

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

Question. What is your name?

Answer. Elinor Leonard.

Question. How old are you?

Answer. 18 years of age.

Question. Where were you born?

Answer. New York City.

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

Answer. 225 W. 4th. St. two weeks.

Question. What is your business or profession?

Answer. Domestic.

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 took Emma to 101 West 21st. St. where deponent met John J. Gibson. I partially undressed and went to

**POOR QUALITY
ORIGINAL**

0941

bed with Gibson and had sexual connection with him in the
presence of said Emma who remained in the room during
the time.

Signed

Elinor Leonard.

Taken before me this :
19th. day of Dec., 1987. :

Signed

J. M. Patterson, Police Justice.

Q-1
LYDIA ROSHORE sworn and examined by Mr. Parker.

Q. Where do you reside, Mrs. Roshore?

A. 181 Waverly Place. I am the mother of Emma Roshore. Emma is eleven years. She was born in 1876, March 3rd. I am acquainted with the facts in this complaint. The 7th. of December the fact came to my knowledge from Mr. Marshall.

Q. Was it through your procurement that that complaint was made?

A. My husband procured this complaint.

A. Yes, sir he went to the Police Court. I did not accompany him. Yes, I am acquainted with Nellie Leonard, the last witness upon the stand. When I first saw Nellie, I just can't say the date, sometime in November last. She was sent to my house through this Mr. Marshall. Yes, sir, Mr. Marshall alluded to in this case. He is ticket agent on the elevated railroad. Mr. Marshall did not introduce her to me; my little girl brought her over from the station, he asked my little girl if I could accommodate her for two or three days. I said in reply I could.

Q. Did Nellie under that agreement stay in your family?

A. Yes, sir; under that agreement she stayed. Six weeks she remained with me. The 6th. of December Nellie left. My husband left home to go to Pittsburg this morning. He is a Pullman Conductor on the Pennsylvania Railroad. Yes, my daughter, sir, gateman on the Elevated R. R. Emma Roshore, is the complainant in this case. She attended school regularly. Her record at school was good.

117

Q-13

CROSS-EXAMINED:

BY COUNSEL:

Q. Mrs. Roshore, at what time did this girl Nellie Leonard come to your house?

A. I do not just remember the date Nellie came to my house. In November she came to my house. Well, it may have been the latter part of October, around the first part of November. Well, I do not know why she come or how she did come; Mr. Marshall asked Emma if I could accommodate her for two or three days, and Emma said yes, and brought her over to the house, and I did so. About six weeks she was at my house. She helped me with my house work. I did not go out only on one occasion, I went to Boston for three days; she took care of the house at that time, yes, sir. When Emma came from school at three o'clock in the afternoon she asked me if she could take a walk with her and I let her do so. I trusted her when I went to Boston with the house, and to take care of the children. I do not know anything of Nellie's character. I always thought she was a nice, respectable girl and acted always very ladylike., everything was right while she was in my house. They never came home at ten or half past ten, they always were in the house at nine o'clock. No, sir, I trusted Emma with Nellie, she told me she would take the best care of her and bring her home early, and she did. I could not tell the date, that was one night about ten o'clock they came in; it was sometime around the latter part of November.

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JOHN D. FARRELL sworn and examined by Mr Parker says:

I am an officer of the Municipal police of this city, the Second District Court. Yes I did arrest the defendant in this action. On the 14th of December last yes, in pursuance of a warrant issued from that Court, I arrested him in his room at 101 West 21st Street. About six o'clock in the evening I guess it was when I arrested him; yes I found him there that evening at six o'clock. Well, immediately on my entering the room--the door was open, when I approached the door and I stepped in and after knocking asked him if he was Mr Gibson? I had a description of him. He said he was. I told him I had a message from Nellie Leonard. He said, "take a chair", and I sat down right alongside of him. He says, "Nellie Leonard Nellie Leonard, let me see". I says, "she is a young girl that formerly visited you here in your room." He says, "Oh yes, she is from Summit, N.J." I says, "the same." I says, "she is in some trouble" and I says, "I am an officer and I have a warrant for your arrest"; then I went in my pocket and took out the warrant and was about to show it to him. He says, "never mind that, keep that". So I told him that he would have to go with me. He wanted to know then first when he would have to appear. I says, "you will have to go with me now." He says, "aint it possible to wait till to-morrow?" I says, "no sir:" so I took him. Yes, it was he who stated that she resided at Summit, N.J.

CROSS EXAMINED:

On December 14 I arrested him, in the evening.
When I came there I asked him if he was Mr Gibson, and
then I told him I had a message from Nellie Leonard.
I did not have a message; I wanted to be sure he was the
man. Yes, sir, I uttered a falsehood when I said I had
a message from Nellie Leonard.

MENNIE KENYON sworn and examined by Mr Parker says:

I live at 101 West 21st Street and during the
month of November last. I do not know the prisoner to
speak to him but I know him by sight, I have seen him
day after day. Yes, during the month of November he did
reside in that same house. He was obliged to pass my
room and every one else going to his ^{My} room was on the
same floor that he occupied. We do a great many differ-
ent things, dressmaking, buttonhole making, embroidery and
stamping. In this same room at 101 we work in that same
place.

Q During that month of November did you observe on many oc-
casions young girls visiting the room of the prisoner?

Objected to as incompetent and irrelevant.

Objection overruled. Exception.

A Yes, sir, I did.

Mr Parker: We offer that testimony on the gener-
al question and his motive.

The Court : No.

Witness: I have seen these girls.

By the Court:

Q You may state if you saw those girls? A. I saw those girls. I do not know Emma Roshore or Nellie Leonard. I saw these girls but I never saw them until I came in Court.

By Mr Parker:

Q What girls? A. This little girl.

Q You saw Emma Roshore? A. I did, sir.

Q You saw Nellie Leonard? A. I did.

Q About what time of day did you see them visit there?

A. In the evening.

The Court: That is enough on that point.

By Mr Parker:

Q This was in the month of November? A. November, yes sir.

CROSS EXAMINED:

I certainly would know them if I saw them now. This little girl that I have seen here in Court, I knew her by her dress the moment that I saw her, I can relate that I would recognize her by her features. I saw her distinctly through my curtained window.

By Mr Parker:

Q Is this one of the girls that you saw visit the prisoner's room on these occasions? (Pointing to the little girl, Emma Roshore.)

A Yes, sir.

Q Is the girl behind, Nellie Leonard, another of the girls

you saw at these times?

A Yes, sir.

Counsel: We will admit the girls were there.

LAWRENCE CARROLL, sworn.

Mr Parker: Inasmuch as the counsel for the Defence admit the presence of the girls upon these occasions and as the witness Carroll is only to the same effect of Miss Kenyon's testimony, we will dispense with him.

Counsel: With this slight variation; I will admit that they were there on the night in which it is charged in the indictment, but on no other occasion.

By Mr Parker:

Q Mr Carroll, what is your business? A. Photographer.

I reside at 121 West 21st Street.

Q Did you reside there in the month of November last?

A Yes sir, in the month of November last I resided there.

I know the prisoner. My dwelling is on the top floor but my office is on the first floor, the same floor as his, the room adjoining.

Q During the month of November last did you or did you not see any young girls upon many occasions visit the room of the prisoner?

Objected to as incompetent and irrelevant;

objection overruled; exception.

A I did.

Q What time of day?

Same objection; same ruling.

A I cannot state exactly what time but I had seen girls.

Q Was it evening, forenoon or afternoon?

Same objection; same ruling.

Q Are you acquainted with Nellie Leonard, the witness in this case; did you on or about the 16th of November see two girls visit the room of the prisoner in the evening?

Objected to. Objection overruled. Exception.

A I cannot state any positive dates, but I have seen a great many girls go to his room.

Counsel: I move to strike that out.

The Court: Strike that out.

By the Court:

14
Q On or about this time did you see on more than one occasion two girls go in or come out of his room.

Same objection: Same ruling: Exception.

A I cannot state that positively, I have seen girls nearly all the time since he has been there, that is all I know about it.

Counsel: I move to strike that out.

The Court: Strike that out.

By Mr Parker:

Q You cannot state positively as to the date? A No, sir.

The Court adjourned.

Thursday, January 19, 1888.

JAMES MARSHALL, sworn and examined by Mr Parker, says:

I reside at 351 West 28th Street. I am an agent on the Elevated Road. At Sixth Avenue and 8th Street I am employed, and was in November last. I am acquainted with

Nellie Leonard, the co-defendant in this case. When I first know her she was a little girl. Some five or six years I have known her. I am not acquainted with the family. I do not know where she resided when I first saw her. I saw her the last of October; she came to the station to see me.

Q What conversation took place there?

Objected to on the ground that it is incompetent and immaterial, as the defendant was not present at the time of the conversation.

The Court: The statements of the co-defendant are admitted in evidence the same as if the party were present.

Counsel: I object on the ground that the defendant Gibson was not present at the time this conversation took place.

The Court: Go on, now.

Counsel: I take an exception.

By Mr Parker:

Q What conversation took place there between you and Nellie?

A She asked me where the Seaman's Savings Bank was. I told her it was in Wall Street. She said she had some money to deposit in the bank.

By the Court:

Q You told her it was in Wall Street?

A Wall Street.

The Court: Strike it out.

Witness: And then I recommended her to go to the Greenwich Bank and put her money in it.

By Mr Parker:

Q Did Nellie make any request of you as to a place where to board?

Objected to as irrelevant; overruled; exception.

A Yes, sir,-- not then, no, not at that time; some time afterward.

Q Come down to that time-- let me know what conversation took place with reference to that.

Same objection; same ruling.

A She came down several times, probably once in a month; when she came in she came to the Station with an armful of goods that she said she bought at Macy's.

The Court: Strike that out.

By Mr Parker:

Q Tell the conversation?

A No conversation at all, she merely passed in and said, How do you do.

Counsel: I move to strike that out.

The Court: Strike that out.

By Mr Parker:

Q Mr Marshall, in the latter part of October last, get down to the point; did you see Emma Roshore, the complainant in this case at your station?

Counsel: I object to that on the ground the defendant was not present.

The Court: Objection overruled.

Counsel: Note an exception.

By Mr Parker:

Q Did you see her then, Emma Roshore?

Objected to as irrelevant and incompetent.

Objection overruled. Exception.

A Yes, sir.

By the Court:

Q Yes, or no?

A Yes, sir.

By Mr Parker:

Q Did you see her there on any occasion together with Nellie Leonard, the codefendant in this case?

A She came once, she was there at the time that Miss Leonard came and told me she had a vacation of three days from the country. She asked me if I knew any family where she could stop, and I thought a minute; says I, "No, I do not," and Emma came in and knowing the family well I says to her, "Emma, won't your mother accommodate her for a few days?"

By Mr Parker:

Q Was Nellie there?

A Yes sir, she was.

Witness: I asked her to ask her mother to let this lady stay there two or three days, she was down from the country. They left in company together. The next time I think she came, she told me she was going in the country, going home.

By Mr Parker:

Q When did you next see her?

A I could not say exactly the time, I did not pay any attention to it.

Q Do you remember Nellie coming with a letter over?

Objected to as incompetent and irrelevant.

Objection overruled; exception.

A She came and asked me to stamp a letter; brought a letter there for me to stamp. The address on that letter was 25 Greenwich Avenue.

Counsel: If there is any letter let them offer the letter in evidence.

The Court: We have got to find the letter first before we put it in evidence.

Counsel: They must connect the letter with this testimony.

The Court: Go right on, I overrule the objection.
Exception.

By Mr Parker:

Q What was the address on that letter?

Same objection; same ruling; exception.

A It was 25 Greenwich Avenue.

Q Do you know Nellie Leonard's handwriting?

A I do not, sir.

Q What request, if any, did she make when she delivered that letter to you?

Objected to as irrelevant and immaterial:

Objection overruled; exception.

A She merely asked me if I would be kind enough to put a stamp on it.

Q Do you know anything concerning the character of the house whose address was upon that letter?

Objected to; objection sustained.

Q In consequence of any information which you received subsequent to Nellie Leonard's visits to you did you ever send to ascertain whether or no Nellie Leonard and Emma Roshore

had visited the defendant Gibson in his room?

Objected to on the ground that they must show the nature of the information. Objection overruled; exception.

By the Court:

Q Answer that, yes or no, you must not state what you said to the messenger or the messenger said to you?

A Yes sir, I did.

Counsel: We will withdraw our objection and let our objection stand until they put the other person on the stand to prove that he sent them. They have failed to connect.

By Mr Parker:

Q In consequence of any information which you received from any such person so sent, what did you do?

A Objected to on the ground that any information that he received from the other person cannot bind this defendant and is irrelevant.

The Court: Go on. Objection overruled; exception.

Witness: I went and told the mother.

By the Court:

Q Whose mother?

A Emma's mother, Mrs Roshore.

By Mr Parker:

Q You told her what, do not say the words?

By the Court

Q You reported what you heard?

A Yes, sir.

The Court: That may stand; do not state what it was.

CROSS EXAMINED:

I am in the employ of Elevated P. P.; I have been employed by the railroad going on fifty years; I have been ten years on this, and forty years on the Harlem Road. I knew Nellie Leonard as a little girl, through her mother doing some washing. She came to see me, I never went to see her; she came from the country down to see me. She was living somewheres in New Jersey; she wanted to find out a bank. I could not tell you the time I met her, some time in October. I do not know whether it was the early or latter part.

Q Did Emma Roshore frequent the place where you are employed?

A Yes sir, Emma often came to my place where I was employed. Once a week or once in two weeks, some times probably she was away from there a whole year, as far as that is concerned. I never knew her family; some years ago, her mother done some wasking five or six years ago. I did not take particular interest in her as I know of.

I supposed the girl was all right, I did not know there was anything wrong about the girl, I had not the slightest idea but what she was a good girl, that was my impression.

I judged from her appearance. I said something about a girl having the address 25 Greenwich Avenue. I saw the address on this letter was 25 Greenwich Avenue.

I could not say whether it was the latter part of October or early part. I did not keep dates

By Mr Parker:

Q Tell me why the address struck you so particularly?

**POOR QUALITY
ORIGINAL**

0955

A She asked me to put a stamp on it, that was all.

By Counsel:

Q That was the only reason?

A Yes, sir.

By Mr Parker:

Q Are you acquainted with the family of Emma Roshore?

A Very well sir, I know the family for years. Emma's father was employed on my station as a gate-keeper, that is the way the family came there, that is the way the children came there.

Mr Parker: That is the People's case.

Counsel: I move to strike out that part of Mr Marshall's testimony which they failed to connect with these letters; they have not proved anything by it.

Mr Parker: The testimony of Mr Marshall was introduced--

The Court: It needs no argument; motion denied.

Exception.

The Case for the Defence.

Counsel:- I move now that your Honor direct a verdict for the defendant on the ground, first, the evidence does not tend to establish a taking, a receiving or a harboring, for the purpose of prostitution within the meaning and intent of the section under which he is held.

2. That the prosecution having failed to corroborate the testimony of Emma Roshore, the girl alleged to have been abducted, or of Nellie Leonard the alleged accomplice, must fail.

3. That there is not sufficient legal evidence proving the offence charged as contemplated by section 399 Code of Criminal Procedure, and 283 of the Penal Code.

4. That the presence of Emma Roshore under the circumstances disclosed by what evidence there is in the case, does not raise any presumption or the commission of any offence charged in the indictment.

5. That the prosecution having failed to show any facts which taken independently of the evidence of the accomplice or the person alleged to have been abducted leads by itself to any inference either that the crime has been committed or that the defendant was implicated and conspired with her in the commission of it.

6. That the testimony offered is simply circumstantial and does not corroborate the accomplice or the girl abducted as to any material fact or facts which on this occasion are to prove that the defendant was connected with the crime charged.

7. That the word "taken" implies some persuasion

or inducement on the part of the accused, not the mere permission or allowance to remain in the room.

The Court:- It is my judgment that the case should be submitted to the Jury.

Counsel: Your Honor rules against me?

The Court:- The motion to advise the Jury to acquit is denied.

Counsel: I take an exception. Inasmuch as your Honor has allowed us till to-morrow morning to produce one witness, we shall produce Mr. McKinney as the first witness we intend to call upon the stand. We have not been able to serve him to-day, but if we cannot serve him to-morrow we will be ready to submit the case to the Jury without his testimony. I ask your Honor to give us until to-morrow morning to offer his testimony for this man.

The Court:- Very well, I propose to do that; I will give you time to do that as I stated at the opening.

The Court adjourned.

Friday, January 20, 1888.

Counsel for the defendant opened the case.

JOHN J. GIBSON sworn and examined, says: I am the defendant in this action. I reside at 101 West 21st. Street. Since December 14, I have been in prison. I am not positive as to this night of the 16th. that these girls first came to my room. It was about the 16th. At the time these girls came there, it was about half past eight. Yes, there were other people in my room at that time. Yes, sir Mr. McKirney was one.

By the Court:- The 16th. of what month was this?

(27)

45-

63
A. It was about the middle of November.

By Counsel. Now, Mr. Gibson, at the time these girls came, how did you know that they were in this building.

A. They knocked upon my door. I opened the door at the time they knocked. When I opened the door Miss Nellie Leonard, said that she was looking for Mr. Gibson's room. She said that she was looking for Mr. Gibson's room, and I said, "this is the room and that is my name", and the door was opened; she walked in while she was talking and then I said, "will you be seated?" She took a seat, her and this little girl that was with her and went on to tell me that she had not seen me for several years, three or four years and where she had met me at one time in a skating rink; I did not know her. I recollect by the crowd ^{that} she was with I suppose that she might have been one of those parties of the crowd.

By Mr. Parker. Q. What is that.

A. Of the girls that were there at the rink I thought that she might have been one of those from the circumstances she related, things that happened at the rink.

Mr. Parker. I have not heard any of these circumstances.

By Counsel. Q. Mr. Gibson, what I wish you to do is to state to the Jury exactly what occurred from the time she knocked on the door until the time she left your room.

A. She came in and was seated and remained there until about a quarter of ten o'clock, Mr. McKinney and the lady that was with him remained until about a quarter of ten

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o'clock, then they left; Nellie Leonard was sitting on the sofa talking with me.

Q. What did she say to you while she was on the sofa?

A. After the party left ---

By Mr. Parker. Q. What party?

A. Mr. McKinney and this lady that was with him; she said, "your light is too bright in the room," she got up and turned out one of the gas jets, burners; she said, "now let us go to bed for a few moments." I whispered to her, I spoke in an undertone, I says, "can't you come up again alone some time, not with this girl?" She says, "that is my cousin living with my aunt, she will say nothing leave her in that chair, and told the girl to take an apple that was on the dressing case; she did and sat there in the chair eating the apple. Nellie Leonard turned the other light down low and said to me, "come on to bed a few minutes, I have not long to stay, I do not know when I can come again." Nellie Leonard and I went to bed together partially undressed and we remained in bed about two minutes or a very short time; she asked me then, to get up, that she must get home, she is very late and must get home. The little girl remained in the chair all the while, over by the dressing case and never came near us. I never took liberties with the little girl. Yes, I heard the testimony of this little girl in regard to her lying on the bed. Yes, at the time I was in bed with this other girl. All my underclothing was on, yes sir. Yes, sir, a full suit of underclothing I had on; my privates could not possibly be exposed from the time she was in my room. I never gave them any money on the 16th. Nov. or any at all.

Yes, there was something stolen from my dressing bureau. First the little girl Emma Roshore I charged with stealing; she denied it and then I charged Nellie Leonard. This was upon their last visit, she denied it and subsequently admitted it, that was upon their last visit that they remained but a few moments in the room. I told them as soon as they came in that I had business and not to remain and they insisted on just waiting a moment. I said, "no, if you will not so I am sorry", and picked up my hat to leave the room. Nellie said to the little girl, "come on, I guess he don't want us here"; that is the last I saw of them for two or three weeks until I was arrested.

CROSS-EXAMINED by MR. PARKER, says.

Yes, I do go to church regularly. I was born in Tennessee. I am thirty-eight years old.

Q How long have you been in business in this City?

A Oh, I don't remember.

Q Twenty years? A No, sir.

Q Fifteen years? A I don't remember. I was in Commission business at the time of my arrest. Well, I had two or three places down town, usually my room to do business 101 W. 21st. Street. Down town; sometimes at the Telegraphers Advocate, 76 Cortlandt St.

By Mr. Parker.

Q Where did you live in 1884, in January, 1884?

A I do not remember.

Q Did not you live then at 737 Broadway?

A I do not remember.

By Mr. Parker.

Q Did you ever reside in Pearl Street in this City?

A I do not remember. I do not remember if I did swear so in January, 1884.

Q Did you not reside in No. 8 Clinton Place in this City?

12 A I might have resided there. I will say I do not remember.

Q Did you not room with a man named W.J. Peterman there?

A I do not remember.

Q Did you ever live in 32nd. Street between Lexington and Fourth Avenues in this City?

A Well, I do not remember.

Q Did you not swear to that in January, 1884?

A That I do not remember.

Q When did you first come to New York?

A Well, I do not remember.

Q Was it ten years ago?

A That I do not remember.

Q Where did you come from? A. St. Louis.

Q How long did you live in St. Louis? A. That I do not remember.

Q Do you remember having sworn in January, 1884 how long you lived there? A. No, I do not remember how long it was that I swore to in January.

Q What was your business there? A. I was in Cotton business.

Q Where did you live previous to your residence in St. Louis?

A. Galveston, I think, if I am not mistaken, that I don't remember.

Q How long did you live there?

A That I don't remember.

81-1-2 Q Do you remember having sworn in January, 1884, how long you

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lived there? A. No, sir.

Q What was your business in Galveston? A. Cotton business,
buying cotton for mills.

Q Where did you live prior to living in Galveston? A At
Memphis, Tennessee. I do not remember how long I lived
there. Yes, I did live in Atlanta, Georgia a very short
time. Oh, I do not remember now where I lived first when
I came to New York.

I don't remember where I did business first. It was there in Pearl Street and Stone-- the two streets run together, that is an entrance on both streets, I think it was Pearl. I have done business at 116 Pearl Street. I don't remember how long I was there, probably about a year, I do not remember the time.

By Mr Parker:

Q Do you remember having sworn in January 1884 to the time?

A No sir, I do not remember that.

Q In January 1884, where was your place of business?

A Oh, I do not remember, I haven't thought of it. I made my headquarters at 318 Broadway. I have resided at 52 West 14th Street. I think it was about a year, I do not remember but about a year, I guess. Well, I do not remember the year, three or four years ago, let us see I could not tell exactly. I forget the name of the landlord at No. 50. Mr Frankfield was landlord at 52. I know Mr De Saxe at that address by sight. I know some of the tenants at that address; I know Mr and Mrs Hendrix. I was there only about a year. It was simply for a sleeping room, sometimes if I had orders or business to attend to I used my room for both business and sleeping purposes. I never occupied but one room there. I used it for a sleeping room and I used it for business too. I had my bed there. I usually took my meals at Smith & McNeil's restaurant.

Q Why did you leave?

A That I do not know, I think my lease was up; I think my time was up, my year was up. I went from there to 50 Union

Square; I do not recollect whether or no I left because my lease was up or for some other reason. I do not recollect whether or no I was told to leave; I think my year was up.

Q Did you not leave because you were told to leave by the landlord?

A No.

Q Were not you told by the landlord, Mr Frankfield, that you must leave that place because complaints had been made to him of your improper practices with young girls on those premises?

Objected to.

Mr Parker: I am prepared to show that he was put out of that place.

Counsel: I object.

Witness: I never was dispossessed there.

Mr Parker: Not dispossessed legally, perhaps.

Witness: No sir, nothing of the kind; I moved out at the end of my month, I was only a tenant from month to month and moved out at the expiration of the month; I was not put out of the house.

The Court: You can impeach his character and the question for the Jury to determine will be this: For what purpose was that girl detained and harbored at his room, the little girl Emma Roshore? The question of intent being an important one, the Counsel has a right to show on cross-examination specific acts bearing upon his character and the question of intent to show that he was in the habit from time to

time of having young girls coming to his place;
it has some bearing.

Counsel: But not years ago.

Mr Parker: I will be prepared to show that it was only
a couple of years ago.

The Court: That may be a little remote. I think you
are entitled to show that he has been in the habit
of having young girls come to his room at different
different places within a reasonable time
prior to the time charged in the indictment.

Counsel: Two or three years ago is not a reasonable
time in the contemplation of law.

The Court: Any time within two years.

Counsel: I take an exception.

The Court: Yes, note an exception.

By Mr Parker:

Q Were you not told by the landlord, Mr Frankfield, that you
must leave that place because complaints had been made
because of your improper practice with young girls on
these premises?

A No sir, I was not asked to leave for that, I left there at
the expiration of my month; I was there only a tenant from
month to month.

Q You left entirely of your own free will?

A And not forced by any one, entirely of my own free will,
I had better rooms for the same money.

Q And not because of any statement made to you by the land-
lord, such as I have indicated?

A No, I left by my own free will. I had better rooms, a better location for the same money and left on that account.

Q And not because of any complaint which was made against you?

A And not because of any complaint that was made against me. What year was that in, do you know. You have a memorandum there.

Q I do not know as it is of any account, I will bring it out in time.

A Go ahead.

Q You are anxious to know?

A Very.

Q Do you know Mr L. Underhill in this city?

A I know there is a party by that name, I do not know as I would know him if I would see him, there is a party by that name, I might know him if I would see him.

Q Did you know any such person in 1884 at 737 Broadway?

A Yes, sir.

Q You remember now that you did know such a person?

A Yes sir, I think I would know him. I know Dr Norris, who resides at 343 Sixth Avenue in this City; he lives near the corner of Sixth Avenue and 21st Street; he is on Sixth Avenue, I think it is Norris, I do not know him, I may be mistaken in the name.

Q Do you know Dr H. J. DeSaxe?

A No, you have just asked me that, I know him when I see him. I am not a married man; have never been married. I know a girl named Julia Boenau; have known her about five years approximating; I met her first about five years ago. I

never lived with her as her husband. I lived with her at 737 Broadway. I do not remember how long. I think also on 50 West 14th Street. The relation which subsisted between myself and her were not as husband and wife. She was living with me in concubinage.

Q When did this relation of lover and mistress between yourself and Julia Boenau commence?

A That I do not remember.

Q How long did it last?

A I could not approximate the time. It was nearer to three years than to a month. I do not know how old Julia was when she first began to live with me in this relation. No, she was not twenty; I do not remember her age. She was fifteen,-- she was seventeen-- I do not remember her age. Somewhere between fifteen and twenty, she was over sixteen, that is just my opinion. I never asked her her age.

Q When did that relation end?

A I do not remember.

Q For almost three years before its termination you lived with her in that relation and you did not know her age and you never asked her her age?

No answer.

Q Do you know the mother of Julia Boenau?

A Yes sir, I have met her.

Q Is this her mother? (Pointing to Mrs Boenau)

A Yes, sir.

Q When did you first see her mother?

A That I do not remember, I could not tell you.

I do not remember when I first saw her. I cannot state the circumstance of the first meeting. It was in the City I met her. I have seen her at No. 50 and do not know whether she was ever at 52 14th Street. I might have seen her at 38rd Street, at my residence. Her daughter was there but not living with me; she was just there on a visit, she was living home.

Q Had the relation of mistress and lover then commenced?

A It might have commenced at that time or about. I cannot state the circumstances of the interview in 38rd Street when the old lady, Mrs Boenau, called on me. Her daughter has been with child, it is a question whether I did or not; her daughter has been with child.

Q Did you ever get her with child?

A I do not know that it was me, I am not the only one that was with her, I do not know that I did.

Q Was she with child during the subsistence of this relation of mistress and lover between you two?

A That I do not remember-- oh yes.

Q You do remember?

A Yes, sir.

Q Was she delivered of a child?

A Yes, sir.

Q Of twins? A. Yes, sir.

Q How long was that before the termination of this relation of lover and mistress.

A That I do not know.

Q Did you seduce Julia Boenau? A. No, sir.

Q Did her mother ever accuse you of doing so? A. No, sir.

Q Did you ever admit so to her mother.

A No, sir.

Q Did you ever promise to marry Julia Boenau?

A No, sir. I never did state to her mother that it was my intention to marry Julia Boenau. Her mother never visited me and demanded that I should marry her. I know one of her brothers, the little one, the small one-- probably fourteen to sixteen years old. I forget, it is the youngest one, I do not remember his name. I know only one brother. That is all. I have heard she had more than one brother. I might have seen the other brother, but I would not know him. I never was chastised publicly upon the street by one of her brothers for any treatment of his sister. I have no recollection of one of her brothers meeting me in the street and upbraiding me for my treatment of his sister. None of them ever attempted to chastise me upon the public highway. Julius never chastised me in the manner you have specified. Mrs Boenau never chastised me corporally for my treatment of her daughter. No, she did not on one occasion at my own residence upbraid me for seduction of her daughter.

Q Did you not call upon Mrs Boenau at one time to see Julia, have you ever done that?

A I do not remember?

Q Upon any such occasion did Mrs Boenau not scold you for what you had done to Julia?

A No sir, I never was in their house.

Q Did not Mrs Boenau upon any such occasion spit in your face and scratch your face and drive you out of her house?

A I never was in her house.

Q How long after the commencement of your relation with Julius did you say these twins were born?

A Oh, I could not tell you.

Q How long before its termination did you say?

A I do not remember.

Q Approximately?

A Say over three years.

Q Approximately, how long before the ending or how long after the commencement of it?

A That she had twins?

Q Yes.

A Say a year and a half.

Q After or before or just about in the middle of your relationship?

A Yes sir, after.

Q Now let us come to another phase of the case, when did you first see Nellie Leonard, the first time you ever saw her?

A I do not remember ever having seen her; she told me she met me in the skating rink, but did not state where. I have been to two or three skating rinks during the craze three or four years ago. I do not know how often I had been to them. I have been oftener than two or three times and skated there. The Manhattan Rink, that was about the one I attended. The Manhattan I used to visit. Before the 16th of November I never had sexual intercourse with Nellie. I was not a constant visitor to all the skating

rinks in this city, or a great many of them.

Q Have you ever heard yourself called "The skating rink fiend"?

A No sir, there was no such a word made use of.

Q Have you ever heard yourself called "the Chippy Hunter"?

A No, sir.

Q I would like you to tell, for I have forgotten, the precise conversation that took place at the door of the room in 21st Street on this occasion when Nellie Leonard called?

A She knocked at the door, I opened the door, she said she was hunting for Mr Gibson's room. I says "this is the room, that is my name." Well, she walked in, without any invitation on my part; the door was open. She said "My name is Nellie Leonard, don't you know me?" I did not know her; she walked in; then after she come in I said, "Will you be seated." I do not remember the conversation that took place. There was other parties in the room, it was a general conversation. Mr McKinney and the lady friend of his was in the room-- I do not know her name-- I was introduced to her-- I never saw the lady before. I have never seen her since. I have known Mr McKinney about 15 years; he lives near me. He only called up for a visit, he saw the light in the room. The lady was not his wife, he is not married. About a quarter of ten Mr McKinney and lady friend left; the girls left at about five or six minutes after.

Q Do you recollect upon your direct examination you said the girls left at a quarter of ten?

A Mr McKinney left a quarter of ten, no sir, Mr McKinney left

at a quarter of ten, I will correct that, Mr McKinney left a quarter of ten o'clock and his lady friend, and these other parties remained about five or six minutes longer. They left about ten minutes of ten o'clock, these other parties. Mr McKinney left about a quarter of ten o'clock and these girls left about five or six minutes, I mean after McKinney left. Nellie Leonard turned off one gas, first took the little girl and took the apple that was on the dressing case, she took the apple off the dressing case and asked if the little girl could have it, I did not object; she took the apple and sat in the rocking chair eating it. Nellie turned off one of the lights and said "We have too much light." Then she told me, "Come let us go to bed a few moments", I spoke in an undertone to her "Can you come up alone some times when this other girl is not here?" She said "She will stay over there and I will make the room dark." Nellie Leonard turned down the other light low and asked me to go to bed, to get off my clothes and go to bed, and we did, we remained in bed about two minutes and Nellie Leonard said, "Now get up quick, let us go and dress, I must go home, it is late and I must get home by ten o'clock" and she left the room, not staying in the room later than six minutes after McKinney left. When she started little Emma opened the door; the door is fastened not by a lock inside but it requires a key outside with a knob inside to open it; one inside the door can walk out, they are not restrained of their liberty, anybody can walk out and with a key you can come in. Nellie took off her dress and her drawers. After McKinney and his lady friend left the gas

was turned down about two minutes. Nellie took off some of her clothes and I took off some of mine. Took all off except my underclothes. I went to bed with Nellie and stayed in bed with her about two minutes. I and Nellie got up and dressed ourselves immediately. They left immediately, they did not stop a moment. It did not take over six minutes, and the little girl sat all the while in the chair. I did have sexual intercourse with Nellie. All this only took about six minutes in my opinion. The little girl sat over by the dressing case in the rocking chair. She did nothing, eating her apple. She did not make any remark while I was in bed with Nellie. She did not make any remark afterwards.. She did not lie alongside of me and Nellie. I did not attempt to have sexual intercourse with her. I never did put my private parts to hers. She never removed her clothes, no sir, I never did. I never attempted to put my hand up her dress.

Q How many visits did she make subsequently to your house in 21st Street in company with Emma Roskore?

Objected to as inadmissible and incompetent.

Objection overruled. Exception.

A After the 16th?

Q Yes.

A She called twice.

Counsel: We except to each one of the questions after the 16th.

The Court: I understand you to object to this question.

Objection overruled; Exception.

By Mr Parker:

Q Did you upon either of those subsequent occasions have connection with Nellie Leonard?

Objected to on same grounds as above.

Objection overruled. Exception.

A I did not.

Q Did you ever have connection in that room with any other girl when Emma Poshore was present?

Objected to on same grounds. Objection overruled:

Exception.

A No, sir.

Q Or when Emma Poshore was not present?

A That I did what? Do you want to know whether I had connection when there was another woman in the room?

Counsel: I do not care to object to every question. Anything that occurred after that first meeting cannot have any connection with this crime.

The Court: Objection overruled.

Counsel: Exception.

By Mr. Parker:

Q Answer that question.

A Did ever I have connection ---you must read that again, I am dull, I am confused in the question, I do not understand it, I will willingly answer it. If you want to know whether I had connection with any other woman at any time in the world since the 16th; I cannot get it.

Q Or when Emma Rosshore was not present.

A As I understand the question I cannot answer it, I do not want to get it wrong.

The Court: What occurred before or soon after bearing upon the point is material. This question tends to show that he about this time and soon after had connection with other girls there. It might throw some light probably upon the question whether he did have Emma Rosshore there for that purpose; it may have some bearing.

By the Court:

Q You said that you did not have sexual intercourse with any other girl than Nellie Leonard while Emma Rosshore was present in the room.

A That is right.

Q Did you have sexual intercourse in that room at any time with any other girl?

Same objection. Same ruling. Exception.

A Since that time?

Q Since or immediately before this complaint?

Same objection. Same ruling. Exception.

A Well, I do not remember.

By Mr. Parker:

Q How many could you have connection with there before the impression would have become so confused in your mind as to leave no definite recollection?

Same objection. Same ruling. Exception.

A That is a conundrum.

Q Would not you remember if you had had connection there with any other girls?

Same objection. Same ruling. Exception.

The Court: Do not follow that up; he says he can't remember it.

By Mr. Parker:

Q Did you give these girls any fruit when they were leaving the first visit?

A They took some that was on the dressing-case; some grapes and apples. I did not give them any money.

Q You have heard Nellie Leonard testify that some money was given to them at the end of that first visit, have you not, and you have heard Emma Roshore testify to the same thing.

A I did.

Q Are they testifying truly or falsely?

A Falsely.

Q When was the second occasion on which Nellie Leonard and Emma Koshore visited your room in company?

Objected to as incompetent and irrelevant.

Objection overruled. Exception.

A I do not remember the date; about seven or ten days after.

Q Tell me the circumstances of that second visit, please.

Same objection. Same ruling. Exception.

A No circumstances connected with it.

Q Tell me the conversation that took place.

Same objection. Same ruling. Exception.

A I do not remember of any.

Q Tell me what you did and what they did.

Same objection. Same ruling. Exception.

A At the conclusion of the first visit, I did not invite them to call again. At the conclusion of the second visit I did not invite them to call again.

Q When was the third visit when they came in company?

Same objection. Same ruling. Exception.

A That was few days after the second visit.

Q Tell me the circumstances, the conversation and what was done during that third visit.

Same objection. Same ruling. Exception.

A When they knocked upon the door and came in.

Q From the time they came to the door until they left.

A They come to the door; I accused this little girl of taking an ornament that I had on my dressing-case.

Q What was it?

65- A Made of silk plush, something made by a lady friend, an or-

nement for my dressing-case; I accused the little one of taking it, and I accused Nellie Leonard; she denied it and subsequently admitted it.

Q Subsequently on this same visit?

A Yes; I let her know I was going out and could not entertain them and they wanted me to remain a few moments. I said, "No, I must go; you will have to excuse me;" they wanted to stop; I put on my hat; "If you will not go, I will go." When Nellie Leonard admitted the theft of this article, she promised to return it. She did ^{not} return it. She admitted she stole it.

By the Court:

Q Was this ornament a present to you by quite a young friend?

A No; it was a lady friend of moderate age; it was a little bag of silk plush, handsomely lined with silk; just something to look at as a souvenir to remember her by; not of great value; ornamental, just to put things in; a little bag and held things on the dressing-case. I missed it on the second visit; I knew she had taken it; no one else was in the room; soon after she had gone I missed it. I know how old Nellie Leonard is.

Q Have you ever been arrested upon a charge of abduction before?

A No, sir.

Q Weren't you forced to leave St. Louis on account of a charge in connection with women made against you there?

A No, sir. I have travelled a good deal, and that is one of the reasons I cannot tell the period of time at which I

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stayed at these places.

By a Juror:

Q I would like to know if he wants the Jury to understand that six minutes took in all that occurred on the first visit, after this party left, took in everything.

A Yes, sir; took in everything during the six minutes.

By Counsel:

Q When you say it only took six minutes ---

A Approximately. I cannot tell whether it took seven or eight, or it might have been ten; it might have been ten; it did not take any longer than ten; Nellie Leonard turned down the gas; if fruit is laying there in the room they can take it if they like.

By a Juror:

Q I want to know whether Nellie Leonard turned down the gas voluntarily, or did she do so at his suggestion.

A She turned it down voluntarily; she turned one out entirely and the other one very low; I objected to it; she said it was all right; the little girl would not say a word.

By the Court:

Q I understand from what you have stated that the proposition to go to bed was from her.

A It was from her. I made no advance; she suggested the bed; she turned down the gas; I objected on account of the girl; she insisted it was all right, the girl would not see anything; the girl remained in the chair all the time.

By Mr. Parker:

Q She tempted you.

A She tempted me.

Q The Juror asked a question as to whether or no all the details which occurred between you and Nellie subsequent to the leaving of McKinney and his lady friend took place within six or seven minutes.

A I give it approximately about ten.

Q I wish to learn definitely from you whether the six or seven minutes that you speak of covers the period from the time when McKinney and his lady friend left until the time when the two girls left.

A That is it, approximating, probably ten minutes.

By Counsel:

Q Mr. Gibson, you have no recollection of seeing this girl Nellie Leonard prior to the time she came to your door?

A No,,sir.

Q And that you did not know she was coming that night?

A I did not know it, and I did not know her when she had come to the door, and did not know what her business was. I did not know that there was such a person in existence.

By Mr. Parker:

Q Have you ever been arrested upon criminal charge?

A I will explain it; yes, sir, I suppose it was a criminal charge.

Q Have you ever been arrested?

A Yes, sir.

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By Counsel:

Q What was this charge that you were arrested upon?

A There was a man forged my name to a check and the man whom he passed it upon signed a warrant, and the Assistant District Attorney said, "Sign your name to this warrant against him and you will hear no more of it"; the man signed it without knowing what he was signing; they arrested me; I was never tried but dismissed; I brought an action against this party for false imprisonment.

By the Court:

Q You were discharged?

A Yes, sir; honorably discharged. All that was done of an immoral character was done in the six or ten minutes after McKinney left.

Q Now then you see that the situation is this; here is a girl you did not recognize, you had not seen at all that you remember, but you may have met her at a skating rink.

A Several years previous.

Q And without any advance on your part but at her suggestion she gets you in bed and you have sexual intercourse and the whole thing was done in less than ten minutes.

A Yes, sir; she was in quite a hurry to get home, the hour was late. She was practically a stranger to me

JACOB H. COHEN sworn and examined, says: I am connected with the New York World. I have charge of the business department under the business management; you may call it

the advertising department of the New York World. I am acquainted with Mr. Gibson. I cannot tell you whether it was in 1873, somewhere in the neighborhood of 1876, it might have been 1874; I have nothing to charge my memory about it. In St. Louis I met Gibson; I think I did buy a few bales of cotton; I cannot charge my memory exactly with the transaction. I am one of the gentlemen who organized the Cotton Exchange; that is the way I became acquainted with Mr. Gibson; I do not know that he was a member of the Cotton Exchange that time, but being in the cotton business, naturally I knew everybody that was in the cotton business in St. Louis.

By the Court:

Q Do you know his general reputation for respectability and good character; yes or no.

A Yes, sir; I do.

Q Is it good or bad?

A I never heard a word spoken against Mr. Gibson in my life.

Q As far as you know it is very good?

A Very good. He associated with many of the best people in St. Louis among the cotton men. Since I came to New York I met Mr. Gibson once in a month or two or three months. I have considered him a gentleman. So far as his moral or private character is concerned I don't know anything at all about it; but I know from his business career for seven or eight years---

By Mr. Parker:

Q In business you know what his character is?

A Yes, sir; morally and every other way. I considered him a moral man.

By Mr. Parker:

Q When did you cease your acquaintance with Gibson in St. Louis?

A When he left there. I think it must be in the neighborhood of five to five years and a half, it may be four and a half; I cannot tell you exactly; let me see if I cannot get at it exactly. I knew the fact that he was coming to New York from this fact, that he had gotten out some very fine statistical reports for the New York Cotton Exchange and when he left there the people all shook hands; I cannot say exactly the time, I could not tell you the date; it may be five or six years ago. I have had business dealings with him since I left St. Louis.

Q Your statement as to his integrity is confined solely to his business relations?

A I think if anything happened to mention the Cotton Exchange I would know something about it. I know nothing of his private relations. I do not know anything of his relations with women.

RESULTING TESTIMONY.

SABINE BOENAU sworn and examined by Mr. Parker says:

My name is Sabine Boenau. I live at No. 158 West 6th Street. I have a daughter named Julia Boenau. I know the defendant Mr. Gibson.

Q Did you ever visit Gibson at his residence in this city,

corner of 33d Street and Broadway, where now the National Bank is?

Objected to as inadmissible and irrelevant;
too remote a period. Objection overruled. Ex-
ception.

A Yes, I visited him there, and I asked him outside in the
hall, does he know where my daughter is? He said first off
no. I asked him did he have no feeling for a mother, to
take a child away from home? He was so frightened he did
not know what he should say; he told me she was in Brook-
lyn; he wanted to fetch her home in the night. Then I
went away and afterward Mr. Dobson sent for me; he had a
room from Mr. Dobson; when I came back Mr. Gibson got my
daughter in his room; she was crying already; he was so
afraid he did not know what he should do; he told me not
to make any disturbance; he wanted to get married to her.

By the Court:

C When was it?

A Last August five years ago; it was about the middle part
of August; she was not sixteen years old.

Counsel: I move to strike that out.

The Court: I think we had better keep that out.

Mr. Parker: This is only to attack the credibility of this wit-
ness. He has denied that she ever visited him at his home
during this existence of this relation between her daughter
and himself. He has denied several other facts which I am
prepared to prove by Mrs. Eganau. It is only as to his

credibility; he has made somewhat of a point of his character.

The Court: You may ask this witness what she knows of his character.

Counsel: We object to proving anything or bringing any evidence of anything that occurred at such a remote period. Anything that occurred five years ago certainly has no bearing on this case.

The Court: The woman says the girl was under sixteen five years ago; the law was not what it is now. Fifteen was the age, was it not, Mr. Gerry?

Mr. Gerry: Fourteen.

The Court: She may have been between fourteen and sixteen at that time, but there is danger of this evidence tending to show that at that time he was guilty of seduction under promise of marriage perhaps; you are in danger of establishing a very different offence from the one for which he is now on trial; another crime; it is dangerous ground. I have already said you are entitled to show specific acts, but this is five years ago and I must keep it out.

Mr. Parker: I do not wish to show that Mr. Gibson in his connection with this woman's daughter was guilty of any crime. He did not say that he was; I doubt that he was; there is no testimony to show that she was under the age of legal consent; it is not introduced for that purpose. He said that his connection with her as lover and mistress ceased

some two years ago, and that it continued for a period of almost three years. He denied that this lady had ever visited him for the purpose of upbraiding him as to his treatment of her daughter; that he ever saw her; that he was ever chastised by this girl's brother on the street; he denied great many particulars. I only introduce it for the purpose of credibility; I waive anything else.

The Court: It is quite remote; it may be strictly collateral; you are bound by his answers; I do not consider it safe to go into this inquiry in detail. You may inquire what this woman knows of the general reputation of the defendant but the details of his relation with her daughter, I will rule out.

LOUIS H. MORRIS sworn and examined says:

I reside at 345 Sixth Avenue; chiropodist is my business; I know the defendant at the bar; I have seen him around for about eight months, something like that.

Q Do you know the general reputation of the defendant at the bar in regard to his relations toward women?

Objected to as incompetent and irrelevant and inadmissible. Objection overruled. Exception.

A Yes, sir.

Q What is it; good or bad?

Same objection. Same ruling. Exception.

A Well, in my estimation it is bad.

Q Has Mr. Gibson himself ever conversed with you in regard to his relations with women?

A Yes, sir. Same objection. Same ruling. Exception.

Counsel: I object.

The Court: He has got a right to show the declarations of the defendant. [Please note my exception.

By Mr. Parker:

Q State what declarations he made to you in that regard.

Same objection. Same ruling. Exception.

A I was standing down stairs, in front of my door and he came up and he got talking; he says to me, "I would not have anything to do with a prostitute;" he did not want any prostitute, at least, over sixteen or seventeen; all the way from fourteen to sixteen years old, and he says to me "Even if I want anything for all night I can get it, and if I don't want anything I can take them in a little while, and make them take a present of ear-rings, jewelry, rings and everything of that kind; I enjoy myself with them; I cannot enjoy myself with bigger ones; they want money, I give them trifling things like that and they are satisfied."

QEO SS-EXAMINED:

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No, sir; I do not reside in the same house with Gibson; he resides on the corner; his entrance is on the corner and mine is on the Avenue. I recollect certain gentlemen being at my office this week; two of them; they are both in Court now; I can point them out; they are sitting right in the back, one with a big mustache, that gentlemen there, standing up now, and the next one is your detective that you sent up to the house; he was here a little while ago; I don't know where he has gone to; his name I do not know; he is your private detective; he has

only left here a few minutes ago. I will tell you who he is; he is a private detective and he is engaged by you; he told me so.

By the Court:

Q Did you tell this detective that you would not come as a witness unless you were sure that Nellie Leonard would not be prosecuted?

A No, sir; I never said anything like that in my life. The conversation was, he wanted to get me out of the way from Mr. Stocking when he subpoenaed me; Mr. Stocking, the agent of the Society; he even told my wife one thing and he told me another going down stairs; he told me to keep away, to keep out of sight so I could not be subpoenaed and even said the day before yesterday when I was out in the hall, "Why don't you get away from here, get out of here."

By Mr. Parker:

Q Did Mr. Schroeder make any promise to you in consideration of your keeping out of the way?

A Well, no; he did not; he did not tell me personally, but he told me the best way was to keep away; to get out of sight when Mr. Stocking came in.

HENRY J. DeSAXE sworn and examined, says:

By Mr. Parker:

Q Mr. DeSaxe, where do you live?

A 52 West 14th Street; that is my business place. I am a dentist. I know the defendant; I knew him when he resided at 52 West 14th Street, in November, 1885. It is only two

years ago; that is the first time I saw him; he was considerably younger.

By Mr. Parker:

Q How long were you in that building with Mr. Gibson?

A About four months, I think; I am not positive about the dates; about four months, possibly five.

Q Did you ever make a complaint to the landlord of that building concerning Mr. Gibson?

Objected to as incompetent and irrelevant and too remote. Objection overruled. Exception.

A I did, sir.

Counsel: I object to that and move to strike it out.

The Court: Yes, strike it out.

By Mr. Parker:

Q Do you know the general reputation of the defendant in regard to his relations with women?

Same objection. Same ruling. Exception.

A A very bad one, morally very bad. Mr. Frankfield, I believe, is the name of the landlord.

CROSS-EXAMINED:

I know that this was in November, 1885, that I first saw the defendant, because I took possession of the premises at that time; I took possession the first of November, 1885.

Q When did you see Gibson last?

A At this Court, two days ago.

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Q I mean before that.

A I could not say it was 1885 or 1886, it was the early part of 1886, I saw him in the morning accost a girl.

RICHARD WLETERS sworn and examined by Mr. Parker:

I reside at 101 West 21st Street. Sign painter is my occupation. I know the defendant at the bar. He was there a year ago last fall and I moved away in April, and now I moved back again on the first of December; I knew him during all that time, though.

Q Do you know his general reputation as to his intercourse with women or his relations to women?

Same objection. Same ruling. Exception.

A His general reputation is not very choice as far as I can say.

EDWARD C. SCHROEDER sworn and examined by counsel for the defence:

I recollect being sent up to 21st Street and Sixth Avenue some time this week. I saw a gentleman there by the name of Dr. Morris, the chiropodist.

By Mr. Parker:

Q The same one that has been on the stand?

A I do not know; I was not here when the gentleman was on the stand.

By Counsel:

Q Is that the gentleman? (Pointing to Dr. Morris.)

A Yes, sir; that is the gentleman. Mr. Morris told me, as near as I can remember, that when he was down here on

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the previous trial of the case he had lost a good deal of time; I won't say in this Court, but on the previous trial of the case; the previous trial of Gibson.

By the Court:

C Go on and state what he said.

A He said he had lost a good deal of time and money and a good many people who wanted to see him were unable to see him, that he would not like to get mixed up in the case again if he could help it, and if he knew who had brought him in the case, and who had obtained information that he was connected in any way with the case -- that he said of his own accord; also that he would not like to come down on the case. I told him that was a very easy matter for him to get out of, and he asked me in which way he could get out of it. I said, "Simply if you wish to get out of the case and don't want to appear, keep out of the way;" that was all with regard to the appearance of him on the trial.

By Counsel:

C Now do you recollect what conversation you had as to Nellie Leonard's relation to this case and Dr. Morris appearing as a witness?

A Well, no recollection further than the only time that Nellie Leonard was brought up in the matter when he asked me whether I knew what they were going to do with Nellie Leonard after the case was closed. Well, I told him as far as I am informed, as far as I know, they were going to try Nellie Leonard on the same charge and on another charge, that she was indicted on several charges and that after she

gets through with this case that they will try her alone. He said he was very sorry for that for he took a great interest in the girl and did not like to see her punished and it was only on Mr. Stocking's assurance to him confidentially, that nothing would be done to Nellie Leonard, that he came down to testify; also, if nothing was done with the girl and she got out of this that he had a nice little place all ready that she could go to; he did not say anything further about Nellie Leonard.

By a Juror:

Q Is this gentlemen a detective?

A Yes, sir.

Q Under whose employ were you sent to Dr. Morris?

Mr. Parker: I will bring all this out

CROSS-EXAMINED:

Private detective is my business. I reside at 420 West 53d Street. On my own account as a private detective. Messrs. Hoeyble & Worch employed me to go there.

Counsel: We admit that we did.

A They told me to investigate the case. Morris was named as one of the parties living around there that might know something about it. I made no suggestion, merely a reply to a question he asked me -- that the only way to keep out of any trouble of that kind was to avoid having a subpoena served on him. Have been a private detective five years in civil cases.

80 Q Did you ever hear of this provision of law, "A person who
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318.
willfully dissuades any person who has been summoned or subpoenaed as a witness from attending pursuant to a summons or subpoena is guilty of a misdemeanor?"

Objected to.

A He stated to me at the time he was not subpoenaed.

By the Court:

Q Answer the question.

A No, sir; I never did.

By Mr. Parker:

Q I wish you would state the conversation you had with Mr. Morris.

A I could not state the conversation I had with Mr. Morris in full; I was with him an hour and a half.

JOHN E. TAITAVALLI sworn says:

I am editor and proprietor of the Electric Age. I am acquainted with this gentleman, the defendant; have been acquainted with him, I think between five and six years. I have had business relations with him, and his general reputation as to business integrity is of the best as far as I am concerned.

HENRY E. STOCKING sworn and examined.

By Mr. Parker:

Q What is your occupation, Mr. Stocking?

A I am an officer of the Society for the Prevention of Cruelty to Children. I know the defendant at the bar.

Q Do you know his general reputation as to his connection with women?

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Objected to as incompetent, irrelevant, inadmissible. Objection overruled. Exception.

A Yes, sir.

Q What is it?

Same objection. Same ruling. Exception.

A Bad; very bad.

Q Do you know of any nickname that he has gone under?

Same objection. Same ruling. Exception.

A Yes, sir.

Q Have you heard him called the skating rink fiend and chippy hunter?

Same objection. Same ruling. Exception.

A I have heard girls in the Hillson Rink call him the "chippy hunter". I have heard him called the skating rink fiend.

By Counsel:

Q How long ago is that?

A That was in the latter part of 1880.

Q Did you ever hear yourself called anything?

A Not myself personally; I suppose somebody may have called me and I did not hear it.

Mr. Parker: That is all we have got to offer.

The Court: That closes the evidence.

Counsel: I now renew the motion at the end of their case for a dismissal; I move for a direction of a verdict on the ground that the testimony of Emma Washore and of the girl Nellie Leonard, the alleged accomplice has not been corrob-

82

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orated as to any material facts which might tend to establish the taking, receiving and harboring for the purpose of prostitution; and on the further ground that the testimony of Emma Koshore as to taking liberties with her is unsupported by any other evidence.

The Court: Motion denied.

Counsel: Exception; that is all.

Counsel on both sides summed up.

THE JUDGE'S CHARGE.

Judge Gildersleeve charged the jury as follows:

Gentlemen of the Jury:

The defendant at the bar, John J. Gibson, is charged with the crime of abduction. I shall undertake to lay before you the law by which you must be governed in coming to a conclusion in this case without commenting to any extent, if at all, upon the evidence -- without attempting to repeat to you any of the evidence. The testimony is of such a character, that you cannot forget it. It has been gone over by the respective counsel. It is for you now to say what portion of the testimony you believe, and what force and effect it is entitled to. This is one of those peculiar cases which I think it is proper -- in fact it is my duty before instructing you as to the law, to caution you in considering the facts. You must not allow yourselves to be influenced by the serious and heinous character of the offence charged. You must bring to bear upon this case your best judgment impartially, without any bias, and not allow the accusation to carry with it any undue weight or force. No crime is so heinous as to place any man, however wicked, outside the pale of justice; and so you must give to the evidence in this case only such force and effect as you would give here to an accusation of larceny, burglary, or any other ordinary felony; but the crime charged being one that affects society so seriously, you should certainly bring your best judgment to the consideration of the case and discharge your duty

with great care, conscientiously, without fear and without favor. Now, bearing that in mind, gentlemen, approach the determination of the issue raised here between the people and the defendant at the bar. He is indicted with one Nellie Leonard. The crime charged is one of abduction. You will naturally infer from the name given the accusation that the offence is the taking of the girl Emma Roshore. The name of the crime does not carry with it a true definition of the offence. The offence charged is this; that on the 16th of November, 1887, the defendant, John J. Gibson, feloniously received and harbored one Emma Roshore, a female under the age of sixteen years, viz: of the age of eleven years, for the purpose of sexual intercourse, and at that time he was not her husband. To repeat the accusation it is this: that he harbored, kept and detained, or received this little girl Emma Roshore into his room for the purpose of sexual intercourse.

Now if you find as matter of fact she was under sixteen years of age, (which is not denied) you have a right to inspect the child and determine her age from your own observation outside of any testimony in the case -- if you find she is under sixteen years and the defendant is not her husband, (he does not claim to be) and you find further that she was harbored there by the defendant for the purpose of sexual intercourse, then the charge set forth in the indictment is established, and if you are satisfied of that beyond any fair and reasonable doubt, it will be your duty to convict the defendant of the offence charged

The indictment goes on a little further and alleges that Nellie Leonard was concerned in the commission of the felony of abduction, that she caused and procured and assisted the defendant in the commission of the offence. She has been received by the people as a witness for the State --- not an unusual circumstance -- and you have heard her statements under oath as to what occurred, what was done by her, what was done by Emma Roshore, and what the defendant did. The statute requires that there should be corroboration. No conviction can be had for abduction upon the testimony alone of the female abducted. Her testimony must be supported by other evidence. Emma Roshore is the female in this case that the indictment alleges was abducted, and her statements, if they were alone and unsupported, although believed by the Jury, would not justify a conviction. She is, however, corroborated, if you believe the statements of the witness and co-defendant, Nellie Leonard, and the statements of the witness Minnie Kenyon, who lived in the house occupied by the defendant, and who stated that she saw Nellie Leonard and Emma Roshore come there to the defendant's apartments. That is a circumstance which it is proper for you to consider and say whetherin that there is any corroboration of the statements of the girl abducted, Emma Roshore; what constitutes corroboration is a question for you. The corroborating evidence need not necessarily be positive in its character; although if you believe Nellie Leonard in this case, you have corroborating evidence that is positive in its character. Nellie Leonard is an accomplice, and there could be no conviction upon her evidence.

86

unsupported, or without other evidence tending to show the commission of the offence. But I apprehend the provisions of section 399 will scarcely be invoked in behalf of the defendant, as we have the testimony of Emma Roshore and of Minnie Kenyon. Really the question is now as to whether you believe Nellie Leonard and Emma Roshore as against the statements of the defendant, and are you satisfied from what they say that the conduct of the defendant at his place was of such a character as justifies you in concluding beyond any fair and reasonable doubt that he was entertaining, harboring, and receiving this little girl there for the purpose of sexual intercourse. It is not claimed that he had sexual intercourse with her; it is not necessary to show that he had. What was his purpose? Was it to have sexual intercourse with her? Did he intend to effect that purpose sooner or later? Do all the circumstances of the case justify you in concluding that that was upon his mind, that that purpose occupied his mind and was his design and intention, and that he ultimately proposed to accomplish it? When he made up his mind, if you conclude that he did, to have sexual intercourse with Emma Roshore, it is not important so long as you find that at any time while the girl was there at his room he formed that design. It may have been a very short time before she left the room, it may have been some little time before, but it must have been prior to or while she was there if at all; you must be satisfied from the evidence that that purpose existed in

83

**POOR QUALITY
ORIGINAL**

10000

his mind. If you are so satisfied, and satisfied that the other allegations in the indictment to which I have particularly called your attention are proven, it will be your duty to convict the defendant.

Now I again call your attention to what I said in the early part of my charge, by way of caution in order that this defendant, although charged with a very heinous crime may have a perfectly fair determination of the accusation against him. You must give such force and effect to what he has said in his own behalf and to his appearance, in view of what the other witnesses have said and all the other circumstances in the case, as you think they are entitled to have. If it is true that he had connection with Nellie Leonard and had no purpose to have sexual intercourse with Emma Roshore, although she was present, he is entitled to an acquittal. He must have had the purpose to have sexual intercourse with the little girl before there can be a conviction. If you believe the little girl was in bed with him and he did what the girls say he did, and that the evidence is of such a character as to oblige you to infer that he did intend to have sexual intercourse with Emma Roshore under the instructions I have given you it is your duty to so find.

The case is now with you.

JS

Counsel: I call your Honor's attention to an error.
You said that Minnie Kenyon lived in the rooms
with the defendant, I understood you to say so.

The Court: I will not say lived in the rooms, in the
same building.

Counsel: I except to that portion of your Honor's
charge in which you substantially said that the
Jury must not gather from the name of the offence
that there must be a taking, if I recollect it
correctly, there need not be a taking, that the
Jury must not gather from the name of the offence
abduction.

The Court: What I meant to say, gentleman, is substan-
tially this, abduction is taking away; the defini-
tion of abduct is, to take away surreptitiously
or by force, that is substantially the lexicograph-
er's definition. Now that you do not need to find
that this girl was taken away surreptitiously and
by force, that is what I meant to say. You must
find that she was harbored there. The scholars
definition of abduction is not the legal one at all,
as applicable to this case, that is what I meant you
to understand. Then I undertook to give you the
legal definition of abduction as used in this indict-
ment.

Counsel: I further except to that portion of your Hon-
or's charge in which it is substantially said that
she is corroborated if the Jury believe the state-
ment of Nellie Leonard and the statement of Minnie
Kenyon.

The Court: You may note an exception to that portion of the charge.

Counsel: I further except to that portion of your Honor's charge in which you substantially said that if at any time he had the design to use her for the purpose of prostitution after she came in the room, it is your duty to convict him.

The Court: And before she left. If I did not add that you should so understand of course. If he formed the design since he came to Court or any subsequent time it is not sufficient to establish the offence. Evidence of subsequent acts were simply admitted for the purpose of throwing light upon what occurred at the time in enabling you to determine whether or not he would be likely to entertain any such purpose when he had the girl there.

Counsel: I have to except to that portion of your Honor's charge in which you say subsequent acts were admitted----

The Court: Yes, you can note an exception to the charge at any place or at any time.

Counsel: I ask your Honor to charge

1. That if the evidence does not tend to establish a taking receiving or harboring for the purpose of prostitution or sexual intercourse, the Jury must find a verdict of not guilty.

The Court: I so charge.

2. That the prosecution must corroborate not only the testimony of the girl Nellie Leonard but

also the testimony of the girl Emma Rosmore, the one alleged to have been abducted.

The Court: I so charge.

3. That the mere presence of Emma Rosmore under the circumstances proved does not raise the presumption of the commission of the crime charged in the indictment.

The Court: I leave it to the Jury to determine what raises the presumption.

Counsel: I take an exception.

The Court: I do not undertake to say, to give effect to her presence, it is no part of my duty to do so.

4. That the prosecution must show by some fact which, taken independently of the evidence of the accomplice of of the girl alleged to have been abducted, leads by itself to any inference either that the crime had been committed or that the defendant was implicated and conspired with the girl Nellie Leonard in the commission of it.

The Court: You have not got that clear.

Counsel: The Jury must find that the evidence independently, throwing aside both girls, this evidence must lead by itself to some inference that this crime has been committed outside of both girls.

The Court: I think not. One is an accomplice and the other is the girl abducted. Now, while neither one alone would be of effect unless supported, I think one corroborates the other.

Counsel: I take an exception.

91

Counsel: That is the point I wish to raise.

The Court: I think that although Emma Poshore is the girl abducted that her evidence is sufficient to support what is lacking in the evidence of the accomplice, viz: that it tends to show that the crime was committed; and although Nellie Leonard is an accomplice, I do not think that debars her evidence from becoming corroborative evidence of the girl abducted.

Counsel: I take an exception. I ask your Honor to charge the Jury then that if the Jury find that there is no evidence outside of this evidence of Emma Poshore and Nellie Leonard, that they must find for the defendant.

The Court: Well, there is some evidence outside.

Counsel: That is evidence that tends to implicate him in this crime, tends to show that he committed it.

The Court: I charge that although I doubt if you are entitled to it.

Counsel: I except to that portion of your Honor's charge where you doubt if I am entitled to it.

5. That if the Jury find that the testimony offered is simply circumstantial and does not corroborate the accomplice or the girl alleged to have been abducted as to any material facts which are necessary to prove that the defendant committed the crime charged, they must find ~~for~~ for the defendant.

The Court: I decline to charge that.

Counsel: I take an exception.

6. That the testimony must be supported by other evidence that there was a receiving, taking or harboring for the purpose of prostitution or sexual intercourse-- some other evidence of some person outside of this girl Nellie Leonard and this girl Emma Roshore.

The Court: That is what I have charged.

7. That even if there is any evidence of a receiving or harboring, there must be testimony that it was for the purpose of prostitution.

The Court: No, I decline to charge that; if you will add sexual intercourse I will charge that.

Counsel: I will add that. That even if there is any evidence of a receiving or harboring there must be testimony that it was for the purpose of prostitution or sexual intercourse.

The Court: I so charge.

8. That unless they find the testimony of Emma Roshore as to any improper liberties by the defendant has been corroborated, no conviction can follow.

The Court: I will charge that.

The Court: Improper liberties is one thing-- it is not quite broad enough to cover the offence.

9. That the testimony of Emma Roshore must be supported in one or more of the essential elements required by the statute to constitute the offence, viz: as to taking, receiving or harboring and that it was for the purpose of prostitution or sexual intercourse.

**POOR QUALITY
ORIGINAL**

1006

The Court: I so charge.

Counsel: 10. That the Jury must find that this act
was committed on the 16th day of November, 1887,
as charged in the indictment.

The Court: In or about that time is near enough.

Counsel: I take an exception to that.

The Court: Prior to or about that time; the only evi-
dence there is that it was on that day.

94

11

The Jury retired to deliberate upon their verdict and returned to the Court-room for instructions.

The Court: I understand you wanted to come in for some instructions?

A Juror: Well, your Honor, the Jury would like to know if the charge was that we should have corroborative evidence outside of Emma Roschore and Nellie Leonard. Did you so charge the Jury?

The Court: In reply to the request by Counsel for the defence I must state, I think I said that there should be some corroboration outside of their testimony; and I called your attention to the evidence of Winnie Kenyon, and I said if you believe what Kenyon stated then these two girls had been seen to go to the defendant's room and that is some corroboration. I think I said that in my charge, and the following up that theory I charged as requested by the Counsel. I think I might properly have charged you that it is not necessary that there should be any evidence outside of their statements. I think one corroborates the other, if you believe what they said. I have thought it over and discussed it some with counsel since you went out; but I shall allow the instructions to stand as they were originally. Was that all, gentlemen?

The Juror: That was the only point.

Counsel: Your Honor---

The Court: No argument. You may note an exception.

Counsel: I ask your Honor before the jury leave--

The Court: You can ask nothing. You can note an exception to what I have said; no more speeches. You have had your day in Court.

The Jury retired, and after a brief absence returned with a verdict of guilty.

**POOR QUALITY
ORIGINAL**

1000

And inasmuch as the several matters so objected to and insisted on by the Counsel for the prisoner do not appear by the record of the verdict aforesaid, the said Counsel did prepare this Bill of Exceptions and did present the same to the Hon. Henry A. Gildersleeve, Judge of the Court of General Sessions of the City of New York, who presided at the trial of said matters, and did request the said judge to put his seal thereto. And thereupon the said Justice, according to the form of the Statutes in such cases made and provided, did put his seal to this Bill of Exceptions, this day of March, 1888.

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**END
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