

John Chesterman, alias Christman

MASSACHUSETTS

JOHN CHESTERMAN, an immigrant from Poland who also used the name of John Christman, had worked a long time for Charles P. Vokes, who at one time lived in the small town of Hardwick, near Worcester, Massachusetts. John had been the faithful and trusted servant and hired man about Vokes's farm, but Vokes had not paid Chesterman any money for a long time, possibly because Chesterman did not collect it when it was due. Finally, in the fall of 1885, Vokes discharged John on some pretext, without paying the back wages.

One afternoon a short time thereafter, Chesterman came to the Vokes farm, and as related to the police by Mr. Vokes, the following events occurred: While Vokes was working in his barn, which was separated from the house only by a sliding door, he heard the door open. On investigating, he met Chesterman entering the barn from the house. He had under his arm a velvet box which belonged to Vokes's wife. In his hand was a traveling bag.

Upon Vokes asking why he was there and what he was doing, John replied that he was cold and had come in to get warm. Vokes ordered him to drop the velvet box and the traveling bag. Chesterman refused.

This started a heated argument, which almost immediately burst into a violent struggle for the possession of the box and bag. After a severe tussle on the barn floor, during which the contents of the bag were scattered over the barn, Vokes managed to get the box and bag away from Chesterman, and Chesterman ran. Vokes sprinted after him, but abandoned the chase when Chesterman jumped into a wide brook and waded to the other side.

Vokes then returned to the house and called police officers. His complaint was made to Officer Woodward of Hardwick. Vokes showed him the jewelry box, which held his \$60.00 gold watch and his \$10.00 watch chain, two gold bracelets worth about \$5.00 each, and two gold rings worth about \$7.00 each. In the traveling bag he exhibited to Woodward

a \$10.00 silk dress belonging to his wife. On the floor were strewn various other clothes, including an overcoat and overalls. He said they were just as they had been left when Chesterman ran away. He told Woodward about meeting Chesterman when he opened the sliding door, and suggested that Chesterman must have gained entry into the house through a window which was found open in a bedroom on the ground floor.

With this story of Vokes and a description of the man, the police began to look for Chesterman. They suspected that he would be found at a certain Polish boarding house, and so waited until almost midnight, when they would be fairly sure to find him there.

While Officer Woodward was inquiring for Chesterman in the office on the first floor, he heard a man run down the stairs and outdoors. The man was pursued and arrested. He proved to be John Chesterman.

A few days later, on November 16, 1885, Charles P. Vokes appeared before Trial Justice Horace W. Bush and before a Grand Jury at West Brookfield and told his story of the larceny, just as he had told it to Officer Woodward.

With this evidence, an indictment for larceny in a building was returned against John Chesterman, alias Christman, by the Grand Jury sitting at Worcester, Massachusetts, on January 21. Herbert N. Rugg was foreman of the Grand Jury.

On the same day, January 21, 1886, Chesterman was brought before the Superior Court in Worcester, and pleaded not guilty to the charge of larceny. He appeared without counsel, probably because he was penniless.

At the trial Vokes told the same story he had told Officer Woodward and Justice Bush. Officer Woodward testified that he saw the articles scattered about the floor as described by Vokes and that he had arrested Chesterman while he was running away from the Polish boarding house.

The prosecution then waited for Chesterman's story. His story was a flat denial of Vokes's version of the matter. He was the only witness for the defense. His story was told simply, though in very imperfect English.

He said that he had worked for Vokes until he had been discharged. Vokes owed him \$42, which he refused to pay him, and had threatened to prosecute him because of some trouble with a girl servant at the Vokes house.

Continuing, Chesterman said that he had gone to the barn that afternoon to ask again for his money, that Vokes had drawn his revolver and threatened to shoot him, and that Vokes had chased him and shot at him once but failed to hit him.

In explanation of why he had run away from the Polish boarding house, he said that he supposed the officer had come to arrest him on the charge on which Vokes had threatened to prosecute him, and that therefore he had tried to escape.

However, in view of the plausibility of Vokes's story (apparently corroborated by Woodward's account) and his standing in the community, and Chesterman's poor presentation of his defense in broken English, the jury believed Vokes's version of the affair, and so, practically on his evidence alone, convicted Chesterman of larceny. The judge gave him a sentence of twelve months in the House of Correction.

BEFORE Chesterman had been confined very long, Vokes suffered a change of heart. On the sixth of February following Chesterman's conviction, Vokes appeared before Justice of the Peace Clarence Burgess Roote and made a written confession that his testimony before Justice Bush at West Brookfield was false and pure perjury, as was that given at the Grand Jury hearing and at the trial in January.

This confession was made first before a Mr. Samuel S. Demis, one of the selectmen of Hardwick, and before Deputy Sheriff Sylvester Bothwell, to whom he stated that the whole affair, the basis for the threat of prosecution of Chesterman, as well as the story of the larceny, was a falsehood. Vokes said that he had run Chesterman away with his pistol and had then arranged the clothes and jewelry so that it would appear to the officers that a crime had been com-

mitted. His motive was to avoid paying Chesterman the \$42 which he owed.

On the basis of this confession, the prosecuting attorney, Hon. W. S. B. Hopkins, asked Gov. George D. Robinson for a pardon for Chesterman. Governor Robinson, being assured that Vokes would be prosecuted for the perjury, granted John Chesterman a conditional pardon on the twelfth day of February, and on the next day he was released from the Worcester County House of Correction.

THE Chesterman case is included as typical of many similar cases. It exemplifies a conviction based practically on the testimony of a single prosecuting witness, who proves later to have been a perjurer, but whom the trial jury believes in preference to the accused. This is a common occurrence in rape cases, which have been intentionally omitted from this collection. The prosecuting witness, on whose testimony a conviction was obtained, confesses that the testimony was perjured, and thus the case collapses. These cases teach little except the prevalence of perjury and the dangers of conviction on the testimony of a single witness.

BIBLIOGRAPHY

1. Papers relating to the case on file in the Archives Division of the Secretary of the Commonwealth of Massachusetts, State House, Boston. These papers include the following:

(a) The conditional pardon, with the return from the Master of the House of Correction at Fitchburg, Mass.

(b) The petition of W. S. B. Hopkins, District Attorney.

(c) Affidavits of Sylvester Bothwell and Samuel S. Demis.

(d) A copy of the confession of Charles P. Vokes, signed before C. B. Roote, Justice of the Peace.

(e) Copy of the indictment of Chesterman, signed by Herbert N. Rugg, Foreman of the Grand Jury.

(f) Copy of the telegram to Governor Robinson from W. S. B. Hopkins, stating that a complaint would be made against Vokes, dated February 11, 1886.

2. Record of the Superior Court for the County of Worcester, which includes a copy of the indictment and return of the jury's verdict and the judge's sentence.