

# *Joseph Ward, alias Winston*

MASSACHUSETTS

ON February 19, 1895, May Ivers went shopping in Jordan Marsh's store, Washington Street, Boston, Massachusetts. Just as she was entering the store, a man grabbed at her pocketbook, but she held on and it was taken from her only after a short scuffle. The purse contained only \$3.00 and some small change.

The struggle lasted long enough to enable other people to

come to the scene; and, before the bag snatcher could get away, he was caught. An accomplice, however, who took a more passive part in the affair, made his escape, but not before he had been seen by several people. The man who was caught gave the name of James Mahoney.

He was taken immediately to the police station. There he was questioned as to the other man, but would give no information. Finally, he procured bail and was given his liberty until the time of trial.

The police then set out to look for the other man. Although Mahoney refused to give the police information, a good description had been obtained from two of the store detectives, Edith and Gertie Thompson, and from a passer-by named Ray Ross.

Several weeks later the police picked up Joseph Ward, alias Winston, because he answered the description of the man who had escaped. The eyewitnesses of the affair identified him, and he was held until the Grand Jury met in April. An indictment was then returned against him and his trial set for April 18. Mahoney's trial was probably set for the same date so that they could be tried together; but when the time came for Mahoney's trial, Mahoney was not to be found. He had jumped his bail. The case was therefore prosecuted against Ward alone.

The prosecution, in charge of Assistant District Attorney John D. McLaughlin (later for twenty years Judge of the Superior Court), depended entirely upon the testimony of the several eyewitnesses. May Ivers identified Ward as one of the men, as did Edith and Gertie Thompson and Ray Ross. Police Inspector Joseph H. Knox also identified him. Thomas Barry, L. A. Masury, and Frank Lewis, other officers called as witnesses, appear also to have identified Ward; and, as he refused to testify in his own behalf, the verdict could be none other than guilty. Accordingly, he was sentenced, on April 18, to five years in the state prison.

The reason for Ward's refusal to testify was explained in response to a question by Inspector Knox. He stated to Knox that he was in another state on February 19, but that he was afraid to take the stand in his own defense, for he

would then have been open to all questions, and that he was afraid that his former criminal record would be used against him by the prosecution and the jury. He felt sure that if the jury knew that he was a former criminal his punishment would be more severe.

THREE months later, in July, Mahoney was rearrested. In the meantime, Jesse M. Gove, Ward's attorney at the trial, had become convinced after some investigation that Ward's story of his presence in another state on February 19 was true. Mr. Gove told Mahoney that Joseph Ward had been convicted as an accomplice in the bag snatching charged against Mahoney. Mahoney then said that Ward was not the man who was with him, that the accomplice was a man named Dooley, from New York, and that Ward had had nothing to do with the affair.

Mr. Gove then took the matter to Inspector Knox, who made his own investigation. Inspector Knox visited the places Ward frequented and he also looked for Dooley. He found from a number of descriptions given of the two men, that Ward and Dooley must have resembled each other closely. After a long investigation, Knox became completely convinced that Dooley really was the man with Mahoney, and not Ward.

Having reached this conclusion, he suggested to Attorney Gove that he apply for a pardon for Ward. He also informed the prosecutor, Mr. McLaughlin, that he was satisfied that Ward was innocent.

On January 16, 1896, Inspector Knox wrote a letter to the Governor suggesting a pardon. District Attorney Oliver Stevens also made a formal recommendation for Ward's release.

On January 30, 1896, Ward was pardoned by the Governor. The Governor gave as his reason Ward's innocence, attested by the prosecuting officers, who had "become satisfied that it was another party, closely resembling Ward, who committed the offense." He further assigned as a reason for the mistake "Ward's bad reputation."

WARD's conviction, like many others, was due to mistaken identity. Ward's reluctance to testify, and his fear that he would lay himself open to all kinds of questions and that his criminal record would bring about a harsher sentence, were not unjustified. The English rule limiting the asking of questions on past record (*supra*, p. xvi) might wisely be adopted in the United States. Inspector Knox, now dead, deserves commendation for his energy in verifying the truth of Ward's statement that he was not in Massachusetts on the day of the crime and of Mahoney's story that Dooley was the guilty man. It does not appear that compensation was ever offered to Ward.

#### BIBLIOGRAPHY

1. Senate Documents of Massachusetts for 1896, State House, Boston.
2. A letter from the District Attorney, Hon. Oliver Stevens, recommending Ward's release, Archives Division, State House, Boston, Mass.
3. A letter from Inspector Knox recommending Ward's release, Archives Division, State House, Boston, Mass.
4. Acknowledgment: Hon. J. D. McLaughlin, Superior Court, Salem, Mass.