

"Frenchy"—Ameer Ben Ali

NEW YORK

ON the southeast corner of Catherine Slip and Water Streets, on the Manhattan water front of the 1890's, there flourished the East River Hotel, a squalid drinking place and bawdy resort. At nine o'clock on Friday morning, April 24, 1891, the night clerk, Eddie Harrington, made his rounds of the hotel rooms, routing out all those who had not already left. Most of the rooms had been vacated. Room 31, however, was still locked. He rapped lightly—no reply; louder knocks—no reply. Eddie applied his master key to the door. Peering in, he was petrified by the ghastly sight of the mutilated body of "Old Shakespeare," a dissolute woman of sixty, a habitu  of the neighborhood. She was a former actress, and received her nickname because she frequently quoted the Bard's plays when tipsy. Her name was Carrie Brown.

Eddie, greatly excited, rushed to the first floor to spread the news and call for the police, who soon arrived, accompanied by newspaper reporters. The coroner took charge of the body.

An examination of the body showed that the woman had been strangled, atrociously slashed by a filed-down cooking knife, which was found on the floor by the bed—and upon her thigh was cut the sign of the cross. As a murder this was a challenge to Chief Police Inspector Thomas Byrnes, who was justly proud of his record for solving crime mysteries. The cross on the victim's thigh gave the case a special significance. It was the mark of "Jack the Ripper," the notorious London murderer who had baffled Scotland Yard by his nine brutal killings of women in the streets of London from December, 1887, to January, 1891. The New York Police Department had chided the London police about the "Ripper" and boastfully let it be known that if the latter appeared in New York with his evil doings, he would be in the "jug" within thirty-six hours.

On April 25, 1891, the day after the murder, the New York newspapers headlined the arrival of "Jack the Rip-

per." Inspector Byrnes and his force concentrated upon solving the crime. Investigation showed that "Old Shakespeare" had arrived at the hotel at about eleven o'clock with a male companion half her age, who gave a name which was written down by the clerk as "C. Knick." They were assigned Room 31, to which they repaired with a tin pail of beer. Several of the hotel hang-about's saw the man and were able to supply descriptions of him—a medium-sized, stocky, blond, seafaring man. This man vanished and was never apprehended. The police combed the water front for him in vain.

Some of "Old Shakespeare's" acquaintances were found, among them Mary Ann Lopez, who had a frequent visitor known in the neighborhood as "Frenchy." Although a decided brunet, Frenchy's general appearance was otherwise not greatly different from the description given of the man who spent the night in Room 31; so Frenchy was arrested, among numerous others, for questioning. He professed not to be able to speak English. Many languages were tried on him until it appeared that he spoke Algerian Arabic—he was an Algerian Frenchman, named Ameer Ben Ali.

On April 25, Frenchy was a suspect. On April 26, the newspapers carried a police statement that he was probably implicated as being a cousin of the murderer. On Wednesday, April 29, the case was still unsettled, with the police apparently at sea. Detective Kilcauley of Jersey City reported to the police that a conductor employed on the New Jersey Central was very sure he had carried the murderer to Easton on his train. All the while, Frenchy was kept in the star cell at the police station.

On April 30, Inspector Byrnes gave several reporters the news that the case against Frenchy was complete, and that the police were convinced that he was the murderer. It was admitted that Frenchy was not "Old Shakespeare's" companion during the fatal night, but it was said that Frenchy had spent the night in Room 33, across the hall from the murder chamber, and that after the other man had left, Frenchy had crept across the hall, robbed his victim and killed her, and then crept back into his own room. As

sketched by the Inspector, the evidence against Frenchy consisted of blood drops on the floor of Room 31 (the murder chamber), and in the hall between Rooms 31 and 33 (Frenchy's room); blood marks on both sides of the door of 33, as if the door had been pushed open by bloody fingers and then closed; blood marks on the floor of Room 33, on a chair in that room, on the bed blanket, and on the bedtick (there were no sheets). Blood was said to have been found on Frenchy's socks, and scrapings from his finger nails indicated the presence of blood. His explanations as to how the blood got on him were investigated and found to be false. Some of Carrie Brown's professional sisters said that Frenchy consorted much with "Old Shakespeare" and occupied Room 31 with her only the previous week.

On this same day (April 30), Frenchy, who by this time was called Frenchy No. 1, to distinguish him from other "Frenchies" involved in the case, was arraigned before Judge Martine and was formally committed to jail for the murder. Since the prisoner was unable to employ counsel, Judge Martine appointed Levy, House and Friend as his counsel. On May 1, Frenchy was removed to the Tombs.

At about this time it was learned that the prisoner had served a vagrancy term in March and April in the Queens County Jail and that two of his fellow prisoners there, David Galloway and Edward Smith, had reported that Frenchy had a knife like the one used in the murder.

On Wednesday, June 24, 1891, Frenchy's trial opened before Recorder Smyth. An interpreter from his own Algerian village had been found in New York. The state was represented by Assistant District Attorneys Wellman and Simms, and the police force by Inspector Byrnes and four officers. In addition to evidence bearing upon the facts as related by the Inspector to reporters on April 30, the prosecutors called many witnesses from the lowest stratum of New York life, to prove that Frenchy had been living a sordid life, and, particularly, that he was accustomed to staying at the East River Hotel and to wandering from room to room at night. On cross-examination, the credibility of these witnesses was thoroughly attacked.

The climax of the trial came on Wednesday, July 1, when District Attorney Nicoll himself took charge of the trial and called Dr. Formand of Philadelphia as an expert witness. Dr. Formand testified that he had made tests of samples of the blood found on the fatal bed in Room 31, in the hallway, on the door to Room 33, inside Room 33, and on Frenchy's socks, and found that they all contained intestinal contents of food elements, all in the same degree of digestion—all exactly identical. This led to the direct inference that all of these bloodstains resulted from blood flowing from the abdominal wound of the deceased. The Doctor stated that he would be willing to risk his life upon the accuracy of his tests. Dr. Austin Flint and Dr. Cyrus Edson corroborated Dr. Formand's testimony, and concluded the case of the state against Frenchy.

On July 2, the defense opened. After calling Constable James R. Hiland of Newtown to prove that when Frenchy was arrested in Queens County, he had no knife, the defense counsel put the defendant on the stand. He was asked about his life history, his eight years of service in the French army, and his movements in this country. Finally he was asked, "Did you kill Carrie Brown?" These words had hardly been translated into Arabic when Frenchy jumped to his feet, lifted his hands over his head, looked skyward, and fairly screamed in Arabic—he appeared to be having hysterics. No one could quiet him. Finally he sank back into his chair exhausted, and the translator gave the gist of Frenchy's plea: "I am innocent. I am innocent, Allah il Allah [God is God], I am innocent. Allah Akbar [God is great]. I am innocent. O Allah, help me. Allah save me. I implore Allah to help me."

Frenchy made a bad witness, at times appearing to understand English and again pretending not to understand questions even when interpreted into his own tongue. He consistently denied killing "Old Shakespeare," but he became badly tangled up time and again upon cross-examination.

The defense called several medical experts to testify that the substances found in the various blood exhibits did not necessarily all come from the intestine, but that they might

have come from other parts of the body. Each of these experts, however, was forced to admit that Dr. Formand was at the top of his profession and that they had high regard for his opinion.

The prosecution added an interesting bit of evidence by showing that Frenchy's tallow candle had been burned for more than an hour in Room 33 on the night of the murder, implying that he had been sitting up for some definite purpose. Testimony was submitted to show that he left the hotel at five o'clock the following morning, and that he "slinked" out of the door in a guilty manner.

The jury soon returned a verdict of guilty of second-degree murder. The Inspector and the prosecutors were much disappointed; but it was apparent that a compromise had been made by the jury. On July 10, 1891, Ameer Ben Ali was sentenced to Sing Sing for life.

The newspapers and the public had taken great interest in the case. The newspapers reported fully the testimony of each witness and the case was avidly followed by thousands. There was little disapproval of the verdict.

Newspaper men, among them Jacob A. Riis and Charles Edward Russell, who had been assigned to the case from the very beginning, were far from satisfied that this presented a true solution to the murder, and felt that it could never be unraveled until the police had found the man who had gone to Room 31 with "Old Shakespeare." However, the public authorities rested when Frenchy went to Sing Sing to spend the remainder of his days—soon to be transferred to the hospital for the criminal insane at Matteawan.

PERSISTENT rumors drifted back to New York among seafaring men that the murderer had quietly gone to sea, bound for the Far East. These tales could never be substantiated.

At the turn of the century, however, brighter days came to the penniless Frenchy. An application for a pardon on his behalf, based upon new evidence, was submitted to Governor Odell. It was established that just prior to the murder a man answering the description of the murdered

woman's companion had been working for several weeks at Cranford, New Jersey, that this man was absent from Cranford on the night of the murder, and that several days thereafter he disappeared entirely. In his abandoned room was found a brass key bearing a tag 31 (the key exactly matched the set of keys at the East River Hotel) and a bloody shirt. From evidence previously adduced, it was quite certain that the murderer had locked the room when he left it. There never was any evidence to connect Frenchy with the key. The principal evidence against Frenchy had been the reported bloody trail between the two rooms, which, even as testified to at the trial, consisted of very small and faint blood marks. There were submitted to Governor Odell numerous affidavits of disinterested persons, described by the Governor as "persons of credit, some of whom had had experience in the investigation of crime," to the effect that these persons had visited the hotel room on the morning following the murder, and prior to the arrival of the coroner, and that after careful examination they had found no blood on the door of either room or in the hallway. It was to be inferred that the bloodstains, found by the police on the second day following the murder, had been made at the time of the visit of the coroner and the crowd of reporters when the body was examined and removed. It was further pointed out that even according to the police testimony there was no blood on or near the lock or knob of the door to the murder chamber which the murderer presumably unlocked, opened, closed, and relocked. This new evidence in the Governor's opinion demolished the case against Frenchy.

The application for executive clemency was based solely upon the ground that Frenchy was innocent. The Governor concluded his report on the case, after reviewing the facts, as follows: "To refuse relief under such circumstances would be plainly a denial of justice, and after a very careful consideration of all the facts I have reached the conclusion that it is clearly my duty to order the prisoner's release."

Frenchy's sentence was commuted on April 16, 1902, and it is understood that the French Government arranged for his transportation back to his native Algerian village.

.

FRENCHY'S conviction was apparently due to the zealotness of the New York police in seeking to sustain their boast that the murders which had baffled the London police would not be left unsolved in New York. In Frenchy they found a helpless scapegoat, and there is some ground to believe that the case was worked up against him by insufficient attention to the obvious operative facts. Why no better effort was made to trace the woman's companion or to account for the missing key to Room 31 is not easy to understand. That key was also the key to the mystery. As to the blood spots in the hall and on the door of Room 33, the conclusion seems inescapable that they were not there when Clerk Harrington discovered the murder. How they got there, we shall not venture to say. Let it be assumed that careless visitors dragged the blood around. Nor is it clear how the blood got on Frenchy; there is something very strange about that, which the testimony leaves vague and uncertain. Some of the reporters thought that there was no blood originally on Frenchy, or, if there was any, that it had nothing whatever to do with the murder. The evidence of the experts also seems to have been untrustworthy. In spite of the neatly woven case against Frenchy, the jury evidently had grave doubts, for in such a case a verdict of second-degree murder is not natural. It was manifestly a compromise between a belief in guilt and innocence. Frenchy was also penniless and the assigned counsel could not command the funds to run down the man who had occupied Room 31. The fact that entirely disinterested persons unraveled the mystery attests the weakness of the prosecution's case and justifies the inference that Allah had apparently not altogether deserted Frenchy.

BIBLIOGRAPHY

1. *State of New York, Public Papers of Governor Odell* (1902), pp. 272-277.
2. *New York Sun*, April 25-30, 1891; May 1-4, 1891; June 25-30, 1891; July 1-4, 11, 1891.
3. Russell, Charles Edward. "Old Shakespeare," *Illustrated Detective Magazine* (October, 1931).