

## *John McManus*

MASSACHUSETTS

**J**OSEPH M. BALK, a peace officer of the city of Boston, Massachusetts, was standing on the corner of Washington Street and Broadway on the night of February 8, 1911. It was about midnight, and very cold, for a heavy snow had fallen all day long. Suddenly, he saw two men running across Washington Street. They turned into Pine Street. The pursuing man was shooting madly at the other.

Officer Balk immediately gave chase. He followed them into Pine Street before he caught up with them. There he found one of the men, who was later identified as John McManus, on his knees in the street. The other man was brandishing a revolver in his right hand and holding in his left a gold watch and chain.

When Balk asked what the trouble was, he was told by the man who held the revolver that the other had stolen his

watch and chain, and that he was protecting himself and his property. Nevertheless, Officer Balk took both men to Station No. 4 and lodged them in jail for the night.

The next morning the man with the pistol was brought into court on charges of carrying a concealed weapon. He gave the name of John Shorey, and claimed that he was a deputy sheriff from the town of Conway, New Hampshire. As he was not privileged to carry a pistol in Massachusetts, he was fined \$50 and was released.

The other man, John McManus, was held over for trial in the Superior Court on charges of robbery.

No record of the trial of John McManus was ever made, but his story was probably the same as he related in 1912 to Mr. B. D. Driscoll, Assistant Commissioner of Penal Institutions.

McManus stated that he lived in Boston at 205 Harrison Street, and that at about 11.30 on the night of February 8, 1911, he went out to find work. He had been told by a Mr. Coleman that, as there had been a heavy snowfall that day, the Boston Elevated at Tremont and Washington Streets might be hiring some men to shovel snow. He said that he was badly in need of work and that his wife and three-year-old child were then without food. He failed to obtain any work at the station and left there about twelve o'clock to return home.

On his way home he went up Tremont Street to Warrenton, turned down Warrenton, and crossed the street, as that was the shortest way home. When he reached the other side, he was approached by a man who he thought was an officer, as he could see his badge. The man asked him for a match. He replied that he didn't have one. The man then told him to look and "make sure." McManus replied that he knew he didn't have any, as he had looked for one to light his own pipe.

The man then took him over to look at the number on a house. While they were doing this, a girl appeared in a second-story window and threatened to throw water on them if they didn't leave immediately. From her conversation, McManus thought that she knew the man he was with; and the

man then explained to him that he had had dinner with the girl early in the evening, but that she had gotten angry at him. He then went to her door and tried to get in, but couldn't open the door. Neither could he persuade the girl to let him in. Finally he turned on McManus to vent his wrath.

McManus' statement says that Shorey called him foul names, cursed him generally, and then attempted to shove him off the sidewalk into the gutter.

When Shorey shoved at him, McManus shoved back, which infuriated Shorey more than ever. He grabbed his gun and shot it once over the head of McManus, who turned and ran.

Shorey followed, kicking at him and shooting. They ran to Washington Street and down Washington, until they reached Pine, where McManus fell down. Just as he was getting up the policeman came upon them, and he was charged with stealing the man's watch. The policeman, as related, took both to jail for the night.

McManus also gave a short story of his life. He had been in America six years, having landed February 20, 1905, in Boston, where he stayed for five weeks before going to New York to live with his two sisters. He remained in New York for two years, then came back to Boston and got married. He also worked part of one year in New Jersey. He said that his age was twenty-eight, that his child was three, and that he had never before been arrested on any charge.

The only witness to appear against him was the deputy sheriff, John Shorey. He told the story that he had told Officer Balk at the time of the arrest. The jury believed the sheriff, and so on March 15, McManus was sentenced to three years in the House of Correction.

WHATEVER his misfortune, luck had not altogether deserted McManus. The next January, Shorey again came to Boston, and got into trouble. This time he got drunk, as he probably had been before, and tried to force liquor on a newsboy near North Station. The story of the arrest of a deputy sheriff

for the assault and battery of the boy and for pistol carrying appeared in the papers. (He was given three months for each offense this time.) The account did not carry his name, but Officer Balk read the paper. The story of a sheriff of another state assaulting a newsboy and carrying a pistol excited his curiosity and he investigated. He found that the man was none other than John Shorey, the man whom he had arrested nearly a year before. The whole situation excited his suspicion of Shorey, and he carried his story to the office of the district attorney.

The district attorney assigned an investigator to the case. There seems to be no record of the investigation, but the conclusion was reached that McManus was innocent. On February 27, 1912, the district attorney made a recommendation that McManus be pardoned, stating that he believed that McManus was entirely innocent of the crime for which he had served nearly a year.

On the twenty-eighth of February the pardon was signed by the Governor, and McManus was again a free man, though still a victim of perjury and of adverse circumstances.

McMANUS was the victim of a not uncommon mistake. As between two inconsistent accounts of a single event, the jury credited the untruthful one. Had Deputy Sheriff Shorey not again indulged in his drunken aberrations, Officer Balk would have found no incentive to unravel the wrong inflicted on McManus.

#### BIBLIOGRAPHY

1. Letters on file in the Archives Division, State House, Boston, Mass.: statement of John McManus to B. D. Driscoll, dated February 20, 1912; copy of the recommendation of the District Attorney, dated February 27, 1912.
2. Senate Documents of Massachusetts, 1912, report of the pardons by the Governor.
3. Acknowledgments: Joseph M. Balk, the arresting police officer; John R. Campbell, Clerk, Superior Court, Boston, Mass.